

Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

ADJOURNMENT.

Mr. Tillotson moved that the House adjourn until 10 o'clock a. m. next Monday.

Mr. Sherrill moved that the House adjourn until 9:30 o'clock a. m. next Monday.

Question first recurring on the motion by Mr. Sherrill, it was lost.

Question then recurring on the motion by Mr. Tillotson, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—47.

Mr. Speaker.	Long of Wichita.
Ackerman.	Mankin.
Allred.	Marks.
Avis.	McGill.
Bounds.	Metcalfe.
Brice.	Murphy.
Brooks.	Pavlica.
Coltrin.	Pool.
Cox of Lamar.	Renfro.
Enderby.	Richardson.
Farrar.	Sanders.
Forbes.	Savage.
Gilbert.	Shaver.
Hardy.	Sherrill.
Harrison.	Snelgrove.
Heaton.	Tillotson.
Hines.	Turner.
Hopkins.	Veatch.
Hubbard.	Walters.
Johnson of Scurry.	Webb.
Jones.	West.
Justiss.	Williams
Keeton.	of Hardin.
Land.	Young.

Nays—35.

Acker.	Keller.
Albritton.	Kennedy.
Baker.	Kincaid.
Beck.	King.
Bradley.	Magee.
Carpenter.	McCombs.
Conway.	McDonald.
Cox of Limestone.	Negley.
Gates.	Palmer.
Giles.	Pope of Jones.
Jenkins.	Quinn.
Johnson	Riley.
of Dallam.	Rogers.
Johnson of Smith.	Simmons.

Stephens.
Stevenson.
Tarwater.
Thompson.
Van Zandt.

Warwick.
Williams
of Travis.
Woodruff.

Absent.

Adkins.	Loy.
Anderson.	Martin.
Baldwin.	Mauritz.
Barnett.	Maynard.
Bateman.	McKean.
Bond.	Mehl.
Chastain.	Minor.
Davis.	Montgomery.
DeWolfe.	Moore.
Dunlap.	Morse.
Duvall.	Mosely.
Ewing.	Mullally.
Eickenroht.	Nicholson.
Finn.	Olsen.
Finlay.	O'Neill.
Fuchs.	Patterson.
Graves	Petsch.
of Williamson.	Pope of Nueces.
Graves of Erath.	Prendergast.
Harding.	Purl.
Harman.	Ray.
Harper.	Reader.
Hefley.	Reid.
Hogg.	Rountree.
Holder.	Shelton.
Hornaday.	Sinks.
Johnson	Speck.
of Dimmit.	Storey.
Kayton.	Strong.
Kemble.	Waddell.
Kenyon.	Wallace.
Kinnear.	Westbrook.
Lee.	Wiggs.
Lemens.	Williams
Long of Houston.	of Sabine.

The House, accordingly, at 10:08 o'clock a. m., adjourned until 10 o'clock a. m. next Monday, February 10, 1930.

TWELFTH DAY.

(Monday, February 10, 1930.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called, and the following members were present:

Mr. Speaker.	Baldwin.
Acker.	Barnett.
Ackerman.	Beck.
Adkins.	Bond.
Albritton.	Bounds.
Allred.	Bradley.
Anderson.	Brice.
Avis.	Brooks.
Baker.	Carpenter.

Coltrin.	McDonald.
Conway.	McGill.
Cox of Lamar.	Mehl.
Cox of Limestone.	Metcalfe.
Davis.	Moore.
De Wolfe.	Morse.
Dunlap.	Murphy.
Duvall.	Negley.
Enderby.	Nicholson.
Farrar.	Olsen.
Finlay.	Palmer.
Forbes.	Patterson.
Fuchs.	Pavlica.
Gates.	Petsch.
Gilbert.	Pope of Jones.
Giles.	Pope of Nueces.
Graves	Purl.
of Williamson.	Quinn.
Graves of Erath.	Ray.
Hardy.	Renfro.
Harding.	Richardson.
Harrison.	Riley.
Heaton.	Rogers.
Hines.	Sanders.
Hogg.	Savage.
Hubbard.	Shaver.
Jenkins.	Shelton.
Johnson	Sherrill.
of Dallam	Simmons.
Johnson	Sinks.
of Dimmit.	Snelgrove.
Johnson of Scurry.	Speck.
Jones.	Stephens.
Justiss.	Stevenson.
Keeton.	Storey.
Keller.	Tarwater.
Kemble.	Tillotson.
Kennedy.	Turner.
Kincaid.	Van Zandt.
King.	Veatch.
Kinnear.	Wallace.
Land.	Walters.
Lee.	Warwick.
Long of Houston.	Webb.
Loy.	West.
Magee.	Wiggs.
Mankin.	Williams
Marks.	of Hardin.
Maynard.	Woodruff.
McCombs.	Young.

Absent.

Chastain.	Mauritz.
Eickenroht.	Minor.
Hefley.	Montgomery.
Holder.	Mullally.
Hornaday.	O'Neill.
Kayton.	Reid.
Lemens.	Thompson.
Long of Wichita.	Waddell.

Absent—Excused.

Bateman.	Harper.
Ewing.	Hopkins.
Finn.	Johnson of Smith.
Harman.	Kenyon.

Martin.	Strong.
McKean.	Westbrook.
Mosely.	Williams
Pool.	of Sabine.
Prendergast.	Williams
Reader.	of Travis.
Rountree.	

A quorum was announced present.
Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Reader for today, on motion of Mr. Olsen.

Mr. Williams of Travis for today, on motion of Mr. Riley.

Mr. Harman for today and the balance of the week, on motion of Mr. Tarwater.

Mr. Kenyon for today, on motion of Mrs. Moore.

Mr. Martin and Mr. Westbrook for today and the balance of the week, on motion of Mr. Baldwin.

Mr. Hopkins for today, on motion of Mr. Storey.

Mr. Johnson of Smith for last Saturday and today, on motion of Mr. Enderby.

Mr. Rountree for last Saturday and today, on motion of Mr. Metcalfe.

Mr. Bond for last Saturday, on motion of Mr. Metcalfe.

Mr. Mosely for today, on motion of Mr. Heaton.

Mr. Bateman for today, on motion of Mr. Van Zandt.

Mr. Wallace for last Saturday, on motion of Mr. Sanders.

Mr. Prendergast for today and the balance of the week, on motion of Mr. Hines.

The following members were granted leaves of absence on account of illness:

Mr. Finn for today and the balance of the week, on motion of Mr. Woodruff.

Mr. Harper for today, on motion of Mr. Baker.

Mr. Williams of Sabine for today, on motion of Mr. Conway.

Mr. Pool for today, on motion of Mr. Purl.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 10, 1930.
Hon. W. S. Barron, Speaker of the House of Representatives.
Sir: I am directed by the Senate to

inform the House that the Senate has passed:

S. B. No. 12, A bill to be entitled "An Act amending Article 3936 of the Revised Civil Statutes of 1925 so as to fix certain fees of constables, and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,
Assistant Secretary of the Senate.

SENATE BILL ON FIRST READING.

The following Senate bill, received from the Senate today, was laid before the House, read first time and referred to the appropriate committee, as follows:

S. B. No. 12, to the Committee on State Affairs.

TO SUSPEND CERTAIN HOUSE RULE.

Mr. Beck moved that the House rule which relates to the consideration of resolutions for a certain period of time be suspended at this time.

The motion prevailed by the following vote:

Yeas—83.

Mr. Speaker.	Johnson
Acker.	of Dallam.
Ackerman.	Johnson
Albritton.	of Dimmit.
Allred.	Justiss.
Anderson.	Keller.
Avis.	Kemble.
Baker.	King.
Beck.	Land.
Bounds.	Long of Houston.
Bradley.	Magee.
Brice.	Mankin.
Brooks.	Marks.
Carpenter.	Maynard.
Coltrin.	McCombs.
Conway.	McDonald.
Cox of Lamar.	McGill.
Davis.	Metcalf.
Dunlap.	Moore.
Duvall.	Negley.
Enderby.	Olsen.
Finlay.	Palmer.
Fuchs.	Pavlica.
Gates.	Pope of Jones.
Gilbert.	Purl.
Graves	Quinn.
of Williamson.	Renfro.
Graves of Erath.	Richardson.
Hardy.	Riley.
Harding.	Rogers.
Heaton.	Shaver.
Hines.	Shelton.
Hogg.	Sherrill.
Hubbard.	Simmons.
Jenkins.	Sinks.

Snelgrove.
Speck.
Stephens.
Stevenson.
Storey.
Tarwater.
Tillotson.
Veatch.

Walters.
Warwick.
Webb.
Wiggs.
Williams
of Hardin.
Woodruff.
Young.

Nays—18.

Barnett.
Bond.
Cox of Limestone.
Forbes.
Harrison.
Johnson of Scurry.
Jones.
Kennedy.
Kinneear.

Lee.
Loy.
Murphy.
Petsch.
Ray.
Sanders.
Turner.
Van Zandt.
Wallace.

Present—Not Voting.

Giles.

Patterson.

Absent.

Adkins.	Mauritz.
Baldwin.	McKean.
Chastain.	Mehl.
DeWolfe.	Minor.
Eickenroht.	Montgomery.
Farrar.	Morse.
Hefley.	Mullally.
Holder.	Nicholson.
Hornaday.	O'Neill.
Kayton.	Pope of Nueces.
Keeton.	Reid.
Kincaid.	Thompson.
Lemens.	Waddell.
Long of Wichita.	West.

Absent—Excused.

Bateman.	Prendergast.
Ewing.	Reader.
Finn.	Rountree.
Harman.	Savage.
Harper.	Strong.
Hopkins.	Westbrook.
Johnson of Smith.	Williams
Kenyon.	of Sabine.
Martin.	Williams
Mosely.	of Travis.
Pool.	

RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution

S. C. R. No. 9, Providing for a joint session to hear addresses by Hon. A. F. Whitney and Hon. G. W. Anderson.

COMMUNICATION FROM UNIVERSITY FACULTY CLUB.

The Speaker laid before the House and had read the following communication:

The University Faculty Club will be at home in honor of Governor and Mrs. Moody, the members of the Senate and House of Representatives and their wives, Saturday evening, February 15, at 8 o'clock, at the clubhouse, 2304 San Antonio street.

ADDRESS BY HON. A. F. WHITNEY.

In accordance with a resolution heretofore adopted providing for a joint session of the House and Senate to hear an address by Hon. A. F. Whitney and Hon. G. W. Anderson, the honorable Senate appeared at the bar of the House and, being duly announced, were escorted to seats already prepared for them along the aisle.

Lieutenant Governor Barry Miller, being invited, occupied a seat on the Speaker's stand.

The Speaker announced the appointment of the following committee to escort Hon. A. F. Whitney and party to the Speaker's stand: Messrs. Loy, Johnson of Scurry, Speck, Mehl, Olsen and Keller.

The committee having performed their duty, Lieutenant Governor Barry Miller introduced the distinguished visitors to the House.

Hon. A. F. Whitney then addressed the House.

OATH OF OFFICE ADMINISTERED.

The Speaker announced that Hon. J. T. Terrell, Representative-elect from the Eighty-seventh District to succeed Hon. Roger Thurmond, resigned, is within the bar of the House and that the constitutional oath of office would now be administered to him.

The Speaker announced the appointment of the following committee to escort Hon. J. T. Terrell to the Speaker's stand: Messrs. Palmer, Long of Houston, Quinn, Turner and Patterson.

The committee having performed their duty, Speaker Barron then administered the constitutional oath of office to Hon. J. T. Terrell.

Hon. J. T. Terrell then addressed the House.

HOUSE BILL NO. 2 ON PASSAGE TO ENGROSSMENT.

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 2, A bill to be entitled "An Act relating to the prison system of Texas, and providing for the rehabilitation, renovation and concentration of the prison system of the State of Texas on the present site of the central prison and walls in the city of Huntsville, in Walker county, Texas."

The bill having heretofore been read second time, with amendment by Mr. Tillotson, amendment by Mr. Holder to the amendment and substitute by Mr. Turner for the amendment to the amendment, pending.

Mr. Turner withdrew the pending substitute amendment.

On motion of Mr. Keller, the amendment to the amendment by Mr. Holder was tabled.

Mr. Tillotson then withdrew the pending amendment offered by himself.

Mr. Hogg offered the following amendment to the bill:

Amend House bill No. 2 by striking out all below the enacting clause and substitute the following:

Section 1. The purpose of this act is to centralize and unify the Texas prison system on present State-owned penitentiary lands so as to provide better facilities for the guarding and employment of inmates and for their better care and treatment, and to provide for the development of such industries as can be established for the economical production of commodities or services used in the various branches of the State government.

Sec. 2. The Texas Prison Board is hereby authorized and directed to maintain the headquarters plan of the Texas prison system at Huntsville, Texas, on the site of the present Huntsville penitentiary, and shall increase the walls and cells and build and rebuild, so as to use as much of the present buildings and walls as is possible, a suitable plant for the purpose of housing the main offices of the penitentiary system, the identification bureau, the receiving and classification department, industrial section, a central hospital and wards incidental thereto, a section for segregation of diseased inmates, a criminal insane asylum and certain wards for detention of criminals not suitable for working in the industrial section or on the farms, and shall have the right to work such inmates either in the industrial section or at such labor as they may deem advisable, and shall maintain in connection therewith the Wynne Farm for tubercular inmates and the Goree Farm for female inmates.

Sec. 3. It is hereby declared to be the policy of this State to expand and adapt the industrial facilities of the prison system only to the manufacture and production of such materials and commodities as can be used by the prison system, by the eleemosynary and other institutions of this State and all other departments of State government or any political subdivision thereof, and the Prison Board is hereby authorized and directed to establish within the walls of the central prison plant such machinery and equipment as may be proper for the manufacture or production of any commodity which the board shall determine can be produced at a cost not to exceed ten per cent more than the cost at which a similar commodity or commodities could be purchased on the open market; provided, however, that convict labor over and above any wage that may be paid such convicts shall not for this purpose be regarded as an element of the cost, and provided further, that nothing in this act shall be construed to prevent the Prison Board from providing for female inmates on the Goree Farm such industrial employment as it may deem advisable.

Sec. 4. The Prison Board is authorized to provide for the construction of a farming unit headquarters upon a site to be selected by the board on land now owned, or hereafter to be acquired in Fort Bend or Brazoria counties, Texas, and upon which unit the board shall provide for the development of all such processing plants incidental to the farming facilities as may be deemed advisable by the Prison Board; and provided that nothing herein shall be construed to prevent the board from establishing other similar plants upon any of the present State-owned prison farms.

Sec. 5. In rehabilitating present prison facilities and in all new work, the Prison Board shall, so far as practicable, utilize prison labor, and for work or material not practicable to be produced by prison labor, the board is hereby empowered to make such contracts for services and materials as it may deem necessary to carry out the purpose of this act within the limits of the appropriations herein.

Sec. 6. Further declaring the policy of the penitentiary system in its farming activities, it is also recommended that all farms adapted to the planting and raising of foodstuffs for use in the penitentiary system and State institutions shall be cultivated in such food

crops and that the growing of such crops as corn, cotton, broom corn, cane and other staple crops shall be secondary. It is further recommended, if profitable, that a dairy be established in connection with each of the farms, or so many of them as is necessary to provide dairy products for inmates of the prison system.

Sec. 7. The State Prison Board is authorized to provide for the draining of any overflow prison lands now owned by the State and adaptable to cultivation, and for clearing and putting into cultivation all adaptable lands now owned by the State and not now cultivated. In the draining and clearing of land, prison labor shall be utilized so far as is possible.

Sec. 8. Authority is hereby given to the Texas Prison Board to enter into contracts with the State Board of Control for the sale of all products of the Prison System, agricultural or manufactured, for the use of the institutions and departments of the State government.

Sec. 9. The Texas Prison Board shall be empowered to contract with the Texas Highway Commission, when and as may be found practicable, for the employment of State prisoners in the various forms of State road construction or improvement, in which employment the Prison Board shall provide all necessary guards and make provision for necessary and sanitary camps adequate for the safe keeping of all prisoners so employed.

Sec. 10. The Prison Board is hereby authorized and empowered to enter into a contract or contracts for the lease of such lands as may be necessary for the establishment of rock quarries, gravel pits, sand pits and other materials that may be advantageously utilized in the construction or improvement of the prison establishment or other institutions or departments of the State or any political subdivision thereof, provided that no lease for fixed rental without regard to material removed shall be for a longer term than five years, that such lease may contain provisions granting the Prison Board the privilege of renewal, and that any lease in which the consideration is based upon quantity of material extracted shall not bind the prison system to extract any certain quantity of material.

Sec. 11. The Prison Board shall cause to be kept accurate records to show the separate profit or loss of each prison farm, manufacturing endeavor or

other activity engaged in by the prison system, and commodities and supplies furnished to, or work done for, any department shall not be credited and charged to any department at a figure exceeding 10 per cent more than the cost of like items on the open market.

Sec. 12. The Prison Board shall advertise for sale, receive bids for, and contract for the sale of the Shaw Farm, in Bowie County, Texas, under such rules and regulations and at such times as the Prison Board shall determine, reserving to themselves the power to reject any and all bids not acceptable to them. It is mandatory that one-half of all mineral rights in and under said land shall be and is hereby reserved to the State. The money arising from the sale of such farm shall be placed in the State Treasury to the credit of the General Fund.

Sec. 13. The sum of \$250,000.00 is hereby appropriated out of the general revenue for the remainder of the fiscal year ending August 31, 1930; and the sum of \$300,000.00 is hereby appropriated for the fiscal year ending August 31, 1931, each of which said appropriations shall be available to the Texas Prison Board for expenditure, one-half upon improvement of the headquarters plant at Huntsville, in Walker County, Texas, and one-half for necessary improvements on the various farm units of the prison system; provided, however, that the moneys herein appropriated shall, so far as reasonable business methods will permit, be expended in such manner that the rehabilitation of the Huntsville plant and improvement on the farms shall be concurrent.

Sec. 14. This act shall be held cumulative of all laws on this subject and shall not be construed as repealing any other law or provisions of law, except where the provisions are in conflict with such law or provisions of law; and if any provision of this act shall be held unconstitutional, it is hereby declared the legislative intent that such determination shall not affect other provisions of the act.

Sec. 15. The fact that the penitentiary system of the State of Texas is in an unsatisfactory condition creates an emergency and a public necessity that the constitutional rule requiring a bill to be read on three separate days be suspended, and the same is hereby suspended and this act shall be in force and effect from and after its passage, and it is so enacted.

Signed—Hogg, Graves of Williamson,

Tillotson, Young, Keller, Pope, Turner, Beck, Shaver.

Mr. Snelgrove offered the following amendment to the amendment by Mr. Hogg:

Amend amendment to House bill No. 2 in Section 12 by striking out the words "one-half" and substitute the words "three-fourths."

Signed—Snelgrove, Graves of Erath.

Mr. Pope of Nueces offered the following substitute for the amendment to the amendment:

Amend Section 12 of the amendment by striking out the words "one-half of" and insert in lieu the following: "not less than one-eighth overriding royalty in and of all oil and gas and other minerals and."

(Mr. DeWolfe in the chair.)

The substitute amendment was adopted.

The amendment to the amendment as substituted was then adopted.

Mr. Kincaid offered the following amendment to the amendment:

Amend amendment to House bill No. 2, Section 3, by adding after the word "for," in line 10 of Section 3, the words, "the carrying out of this purpose," and strike out after the word "for," in line 10 all down to the word "and" in line 16.

(Speaker in the chair.)

Question—Shall the amendment to the amendment be adopted?

RECESS.

On motion of Mr. Farrar, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

PROVIDING FOR ADDRESS BY DR. GEORGE W. CARVER.

Mr. Giles offered the following resolution:

Whereas, Dr. George W. Carver, head of the Agricultural Research Department of Tuskegee Institute, is in the city of Austin, and is available for a brief talk to the members of the Legislature and the public generally for Monday evening, February 10th; and

Whereas, Dr. Carver is one of the greatest authorities in this nation on

the uses and by-products of the sweet potato, peanut and pecan; and

Whereas, Dr. Carver has not only been sponsored in Texas by the Dallas Chamber of Commerce, Dallas News and other Dallas and State organizations, but is also speaking in Austin under the auspices of the Tillotson Institute, the Austin Chamber of Commerce, the State Department of Agriculture, and the Travis County Farm Association; therefore, be it

Resolved, That the House of Representatives extend to Dr. Carver an invitation to address the members of the House of Representatives, the State Senate and the general public on Monday night, February 10, 1930, and that the Chamber of the House of Representatives be made available for this purpose; provided the House does not meet tonight.

Signed—Giles, Richardson, Cox of Limestone, Carpenter, Coltrin, Finlay, Lee, Cox of Lamar, Conway, Metcalfe, Tarwater, Nicholson, McDonald, Kincaid, Ray, Marks.

The resolution was read second time and was adopted.

MESSAGE FROM THE GOVERNOR.

Mr. Mark Wiginton, assistant secretary to the Governor, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,
State of Texas.

Austin, February 10, 1930.

To the Members of the Forty-first Legislature:

Some days ago, by resolution, you petitioned me to submit the subject of appropriations. Requests for appropriations which have been presented to me total nearly \$3,000,000, or, to be exact, \$2,941,519.46. These are claimed to represent emergency needs of the departments and institutions. It is obvious that the prospective revenue for the remainder of this fiscal year and for the ensuing fiscal year of this biennium cannot pay any such sum of additional appropriations. The surplus of revenue above outstanding appropriations which the maximum tax rates would yield could not meet these requests.

I am under the impression that the Legislature is of a mind to appropriate money for a considerable portion of these requests; the resolution requesting the submission of the subject of appropriations, in part, so impresses

me. It would be well to have the money before it is appropriated.

Therefore, I am submitting the subject of raising the funds to meet such appropriations as you desire to make. If the funds are raised, there will then be time to submit the subject of appropriations.

I do not want any to construe this as the submission of any subject which would permit the introduction of a bill on income tax. I have stated to the people of Texas, through the press, that I did not intend to submit that subject to this session of the Legislature, and I am, therefore, expressly excepting it from this submission. If, however, any such bill should be introduced and passed I would keep faith with my statement to the people of Texas by, at this time, vetoing the bill.

I am further submitting for your consideration the following subjects, upon request:

1. The validation of outstanding bond issues of counties, road districts and other political subdivisions of the State.

2. The attached bill validating the extension of the corporate limits of certain cities and towns.

3. The attached bill requested by the Board of Regents, amending Chapter 282 of the General Laws, passed at the Regular Session of the Forty-first Legislature.

4. The attached bill prescribing the duties of the Board of Education with respect to the management and handling of the oil, gas and other minerals in and on lands belonging to the permanent school fund.

5. The amendment of Chapter 289, Acts of the Regular Session of the Forty-first Legislature, held invalid by opinion of the Attorney General's Department.

6. Measure of reform affecting procedure in civil and criminal cases. In submitting this subject, I desire to call your attention to the fact that a bill has been introduced, or is to be introduced, making some amendment to the act creating the Commission of Appeals, and I understand that the proposed change is desired, or at least approved, by the Supreme Court as a means of making the Commission a more effective agency of the court.

7. The enactment of legislation to prevent the construction of any large building on the site of the present Travis county courthouse, or at any other point adjacent to the State Capitol building, which can be prevented in

the constitutional exercise of the police power of the State.

8. At your request, I submit for your consideration the enactment of corrective amendments to the existing law providing for the payment of pensions under Section 51 of Article 3 of the Constitution.

Respectfully submitted,
DAN MOODY.

(Mr. DeWolfe in the chair.)

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

By Mr. Williams of Travis, Mr. Johnson of Dimmit, Mr. Stevenson and Mr. McCombs:

H. B. No. 20, A bill to be entitled "An Act to provide a period of time when continuity of failure to render land for taxes or otherwise exercise dominion over it shall prima facie prove title in persons paying taxes or exercising dominion over such land, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Shelton:

H. B. No. 21, A bill to be entitled "An Act providing that the county commissioners court of Hays county shall have the power either upon its own motion or upon petition to order the owners of land across which any third class or neighborhood road runs to remove any gates or other obstructions thereon across said road, and provided that commissioners court may permit the construction and placing of cattle guards or gaps by such land owners across such roads, and providing for the placing of a gate near such cattle guards or gaps for general use by the public, and providing that the owners of the land through which said road runs and on which said gates are shall be notified at least ten days and given a hearing on whether such gates shall be removed or not."

Referred to Committee on Highways and Motor Traffic.

By Mr. Palmer:

H. B. No. 22, A bill to be entitled "An Act amending Article 2094 of the Revised Civil Statutes of 1925, relating to the selection of jurors for service in the district and county courts, so as to make said article apply in any county

having a population of at least 58,000 or having therein a city containing a population of at least 20,000, and in any county shown by the last United States census to have a population of not less than 37,500 and not more than 38,000, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Kemble:

H. B. No. 23, A bill to be entitled "An Act amending Article 3268, Revised Statutes, 1925, providing that municipal corporations shall not be required to post a bond in condemnation proceedings and shall not be required to deposit double the amount of the award by the commissioners, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Rountree:

H. B. No. 24, A bill to be entitled "An Act validating the actions of the county board of school trustees in changing common school districts and their boundary lines in counties having a population of not less than 1010 nor more than 1025, according to the United States Federal census of 1920; giving the county board of school trustees in said counties authority to make changes in all common school districts, to create common school districts, to subdivide, to combine or to abolish common school districts; giving the county board of school trustees in said counties authority to establish rural high school districts containing an area of more than 100 square miles and composed of two or more elementary school districts."

Referred to Committee on School Districts.

By Mr. Cox of Lamar:

H. B. No. 25, A bill to be entitled "An Act to amend Section 4 of Chapter 91 of the General and Special Laws of the First Called Session of the Fortieth Legislature, so as to provide for expenses of the rural school supervisor as well as salary in the counties affected by said Chapter 91, and declaring an emergency."

Referred to Committee on Education.

By Mr. Holder:

H. B. No. 26, A bill to be entitled "An Act to provide a local option method of determining whether the county superintendent of schools shall be employed by the county board of trustees; providing for the payment of the salary of said county superintendent; provid-

ing for the term of office; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Holder:

H. B. No. 27, A bill to be entitled "An Act providing for the appointment or election and term of office of school trustees in all independent districts having fewer than 75,000 population by the Federal census of 1920, and for all consolidated and rural high school districts."

Referred to Committee on Education.

By Mr. Johnson of Dimmit and Mr. Reader:

H. B. No. 28, A bill to be entitled "An Act to create Maverick County Water Control and Improvement District No. 1, embracing lands in the county of Maverick, in the State of Texas, as a conservation and reclamation district and body politic and corporate, under Section 59, Article 16, of the Constitution, and defining its boundaries; validating and approving all orders made by the board of directors and other authorities in respect of the establishment or organization of said district, as well as all proceedings had in respect of the election and/or appointment of officers therefor."

Referred to Committee on Conservation and Reclamation.

By Mr. Mehl and Mr. Reader:

H. B. No. 29, A bill to be entitled "An Act amending Chapter 54 of the General Acts of the First Called Session of the Fortieth Legislature, also known as Section 3, contained in Chapter 54, of the First Called Session of the Fortieth Legislature, so as to fix the compensation and working of the grand jury bailiffs of the Thirty-seventh and Ninety-fourth criminal district courts of Bexar county, Texas, and any other criminal district courts that hereafter may be created in said county of Bexar for both walking and riding grand jury bailiffs, said working days to be not less than six days per week, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Ray:

H. B. No. 30, A bill to be entitled "An Act amending Section 1 of Chapter 89, First Called Session, Fortieth Legislature, so as to make the provisions of said Chapter 89 applicable to

counties with an area of more than 1,000 square miles and having a population of not less than 40,000 and not more than 100,000, according to the 1920 Federal census, and declaring an emergency."

Referred to Committee on Education.

By Mr. Richardson:

H. B. No. 31, A bill to be entitled "An Act to levy, assess and collect a tax on notes and other securities held against citizens of Texas by non-resident persons, firms, corporations and manufacturing establishments doing business in Texas, whose manufacturing establishments are not located in Texas."

Referred to Committee on Revenue and Taxation.

By Mr. Quinn, Mr. Walters and Mr. Williams of Sabine:

H. B. No. 32, A bill to be entitled "An Act amending subdivision 1, Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, which subdivision relates to the district court of the First Judicial District of Texas, and to fix the number of terms and the places and time for holding said court, and to conform all writs and process from such court to such changes, and to make all writs and process issued or served before this act takes effect, including recognizances and bonds, returnable to the terms of said court as herein fixed, and to validate the drawing and the selecting and the summoning of all grand and petit jurors for said court."

Referred to Committee on Judicial Districts.

By Mr. Cox of Lamar, Mr. Purl and Mr. Allred:

H. B. No. 33, A bill to be entitled "An Act to provide that at least one-half of all taxes levied for the State, county, common school districts, road districts, city, independent school districts, or all other defined political subdivisions of the county upon an ad valorem basis for the year 1929 and every year thereafter shall become due on the 31st day of October of the year for which the same are levied, and providing that unless at least one-half of the taxes so levied shall be paid on or before said date the entire tax levied for the year shall become delinquent after said date."

Referred to Committee on Revenue and Taxation.

By Mr. Magee and Mr. Johnson of Smith:

H. B. No. 34, A bill to be entitled "An Act amending Article 2688 of the Statutes of the State of Texas, providing for the election of county superintendents and fixing their terms of office in certain counties."

Referred to Committee on Education.

By Mr. Sanders:

H. B. No. 35, A bill to be entitled "An Act amending Article 7066, Revised Civil Statutes, relating to occupation taxes on the production of sulphur, which amendment provides for an occupation tax of \$1 per ton of all sulphur produced within the State of Texas; providing for reports and records; imposing forfeitures and penalties for failure to keep records."

Referred to Committee on Revenue and Taxation.

By Mr. Johnson of Dallam:

H. B. No. 36, A bill to be entitled "An Act relating to the duties of the county board of trustees of the public schools of this State in all counties having a population of 710 and not more than 755, as shown by the last preceding census; authorizing the said boards to subdivide their respective counties into convenient school districts, to increase or reduce the area of independent and common school districts, create additional districts, consolidate two or more adjacent districts, revise or rearrange the boundaries of any district."

Referred to Committee on School Districts.

By Mr. Hubbard:

H. B. No. 37, A bill to be entitled "An Act to validate the extension of the corporate limits of cities having a population of not less than 11,000 and not more than 11,500, according to the 1920 United States census, and located in counties situated on a boundary of the State of Texas, either wherein said extension of territory was attempted under statutes providing for the consolidation of cities of more than 5,000 population and wherein in the act of extending said corporate limits said city has included all of the territory of an adjoining city of less than 5,000 population, and/or wherein said extension of territory was attempted under charter provisions which provide for the annexation of adjoining territory without specific reference to the fact that the adjoining ter-

ritory is included in an incorporated city."

Referred to Committee on Municipal and Private Corporations.

By Mr. Montgomery:

H. B. No. 38, A bill to be entitled "An Act to create Donna Irrigation District, Hidalgo County No. 1, in Hidalgo county, Texas, validating and approving all orders made by the commissioners court of said county in respect to the original organization of said district as a water improvement district under Section 52 of Article 3 of the Constitution."

Referred to Committee on Conservation and Reclamation.

By Mr. Montgomery:

H. B. No. 39, A bill to be entitled "An Act to create Hidalgo County Water Improvement District No. 6, in Hidalgo county, Texas, and defining the boundaries of said district; validating and approving all orders made by the commissioners court of said county in respect to the organization of said district; validating and approving the election held in said district on March 14, 1929, for the creation of said district and the issuance of notes of said district, and the election of directors thereof; validating and approving the order of the commissioners court of said county passed on March 18, 1929, declaring the results of said election and establishing the said district."

Referred to Committee on Conservation and Reclamation.

By Mr. Woodruff:

H. B. No. 40, A bill to be entitled "An Act to repeal Section 12c of Chapter 7, Local and Special Laws enacted by the Forty-first Legislature at its Second Called Session in 1929, same being an amendment to Wise county special road law, and to amend Chapter 59, Local and Special Laws enacted by the Thirty-fourth Legislature at its Regular Session in 1915, as amended by Chapter 31, Special Laws enacted by the Thirtieth Legislature at its First Called Session in 1926, as amended by Chapter 7, Local and Special Laws enacted by the Forty-first Legislature at its Second Called Session in 1929, same being a special road law for Wise county, by adding thereto Section 12d, validating all scrip, warrants, refunding warrants, refunding bonds and/or other evidence of indebtedness issued against the road and bridge fund of said county."

Referred to Committee on Highways and Motor Traffic.

By Mr. Montgomery and Mr. Hornaday:

H. B. No. 41, A bill to be entitled "An Act to amend Chapter 70, Special Laws passed at the Regular Session of the Forty-first Legislature, the same being an act creating and validating Hidalgo and Cameron Counties Water Control and Improvement District No. 9, in Hidalgo and Cameron counties, by adding to said chapter a new section numbered 8a, validating bond election held on the 7th day of September, 1929, and the bonds issued pursuant thereto."

Referred to Committee on Conservation and Reclamation.

By Mr. Montgomery and Mr. Hornaday:

H. B. No. 42, A bill to be entitled "An Act to amend Chapter 70, Special Laws passed at the Regular Session of the Forty-first Legislature, the same being an act creating and validating Hidalgo and Cameron Counties Water Control and Improvement District No. 9, in Hidalgo and Cameron counties, by adding to said chapter a new section numbered 8a, validating bond election held on the 7th day of September, 1929, and the bonds issued pursuant thereto."

Referred to Committee on Conservation and Reclamation.

By Mr. Walters:

H. B. No. 43, A bill to be entitled "An Act relating to the duties of the county board of trustees and the county superintendent of counties with an area of 977 square miles and a population of not less than 15,000 nor more than 16,000, according to the 1920 Federal census; authorizing the county board of trustees to rearrange and resubdivide all the territory of their respective counties into convenient school districts."

Referred to Committee on Education.

By Mr. Woodruff:

H. B. No. 44, A bill to be entitled "An Act creating a special road law for Wise county, Texas, prescribing how the commissioners court thereof may close certain local roads, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. McGill (by request):

H. B. No. 45, A bill to be entitled "An Act conferring upon the Board of

Regents of the University of Texas authority heretofore vesting in the Board for lease of University lands under Sections 2 and 15 of Chapter 282 of the General and Special Laws of the Regular Session of the Forty-first Legislature and also conferring on said Board of Regents certain authority in connection with employing help needed in connection with matters covered by said Chapter 282 and under this act."

Referred to Committee on Public Lands and Buildings.

By Mr. McGill (by request):

H. B. No. 46, A bill to be entitled "An Act amending certain sections of Chapter 282 of the General and Special Laws of the Regular Session of the Forty-first Legislature and repealing Sections 2 and 15 of said Chapter 282, so as to better provide for the disposition of oil and gas in University lands."

Referred to Committee on Public Lands and Buildings.

By Mr. Hardy:

H. B. No. 47, A bill to be entitled "An Act to amend Section 12 of Acts of the Twenty-eighth Legislature, creating a road system for Palo Pinto and Bosque counties, being Chapter 22, Special Laws, 1903, as amended by Chapter 19, Special Laws, 1913, which Section 12 was added by Chapter 12, Special Laws of the Forty-first Legislature at its Second Called Session."

Referred to Committee on Highways and Motor Traffic.

By Mr. Hardy:

H. B. No. 48, A bill to be entitled "An Act providing for the obtaining of a statement of facts on appeal by a pauper, and providing the compensation of the court reporter, and providing an emergency."

Referred to Committee on Judiciary.

By Mr. Hardy:

H. B. No. 49, A bill to be entitled "An Act providing that the clerk of each Court of Civil Appeals, Criminal Appeals, Commissions of Appeals, and the clerk of the Supreme Court, shall furnish to the district judge of the trial court where the case was originally tried a copy of the opinion of such appellate court as may be rendered within three days after the opinion is rendered, and the cost of such opinion shall not exceed \$1 and shall be charged as costs, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Giles, Mr. Sinks, Mr. Tarwater, Mr. Baldwin, Mr. Pope of Jones and Mr. Metcalfe:

H. B. No. 50, A bill to be entitled "An Act annulling the lease on the premises now occupied by Travis county for its court house and jail, and authorizing the Governor to enter into an agreement with the commissioners court, Travis county, for the payment by the State to Travis county of the full value of the improvements located on the said premises by paying to Travis county the sum of \$..... and appropriating \$..... thereof to be paid as cash installment or by conveying to Travis county one of the two blocks of ground in the city of Austin in lieu of the cash payment for the full value of said improvements, and specifying certain terms to be inserted in the contract, and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

HOUSE BILL NO. 2 ON PASSAGE TO ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 2, relative to relocating the penitentiary system, on its passage to engrossment with amendment by Mr. Hogg, and amendment by Mr. Kincaid to the amendment, pending.

Mr. Kincaid was given unanimous consent to make changes in the pending amendment so as to make it read as follows:

Amend amendment to House bill No. 2, Section 3, by striking out the word "only" in line 3, and add after the word "for" in line 10 of Section 3 the words "the carrying out of this purpose," and strike out after the word "for" in line 10 all down to the word "and" in line 16.

Mr. Beck moved to table the amendment by Mr. Kincaid.

(Speaker in the chair.)

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—43.

Ackerman.	Graves
Albritton.	of Williamson.
Anderson.	Graves of Erath.
Avis.	Hardy.
Beck.	Hogg.
Bounds.	Hubbard.
Bradley.	Keller.
Brooks.	King.
DeWolfe.	Kinnear.
Gates.	Land.

Long of Houston.	Quinn.
Magee.	Shaver.
Mankin.	Simmons.
Maynard.	Sinks.
McCombs.	Snelgrove.
McDonald.	Stevenson.
Metcalfe.	Storey.
Negley.	Veatch.
Olsen.	Walters.
Palmer.	Warwick.
Pavlica.	Woodruff.
Pope of Nueces.	Young.

Nays—62.

Mr. Speaker.	Lee.
Allred.	Loy.
Baker.	Marks.
Baldwin.	McGill.
Barnett.	Mehl.
Bond.	Moore.
Brice.	Morse.
Carpenter.	Murphy.
Coltrin.	Petsch.
Conway.	Pope of Jones.
Cox of Lamar.	Purl.
Cox of Limestone.	Ray.
Enderby.	Renfro.
Farrar.	Richardson.
Finlay.	Riley.
Forbes.	Rogers.
Fuchs.	Sanders.
Gilbert.	Savage.
Giles.	Shelton.
Harrison.	Sherrill.
Heaton.	Speck.
Hines.	Stephens.
Jenkins.	Tarwater.
Johnson	Tillotson.
of Dallam.	Turner.
Johnson	Van Zandt.
of Dimmit.	Waddell.
Johnson of Scurry.	Wallace.
Jones.	West.
Justiss.	Wiggs.
Keeton.	Williams
Kennedy.	of Hardin.
Kincaid.	

Present—Not Voting.

Webb.

Absent.

Acker.	Lemens.
Adkins.	Long of Wichita.
Chastain.	Mauritz.
Davis.	McKean.
Dunlap.	Minor.
Duvall.	Montgomery.
Eickenroht.	Mullally.
Harding.	Nicholson.
Hefley.	O'Neill.
Holder.	Patterson.
Kayton.	Reid.
Kemble.	Thompson.

Absent—Excused.

Bateman.	Pool.
Ewing.	Prendergast.
Finn.	Reader.
Harman.	Rountree.
Harper.	Strong.
Hopkins.	Westbrook.
Hornaday.	Williams
Johnson of Smith.	of Sabine.
Kenyon.	Williams
Martin.	of Travis.
Mosely.	

Question then recurring on the amendment by Mr. Kincaid, it was adopted.

Mr. Rogers offered the following amendment to the amendment:

Amend amendment to House bill No. 2 by adding after the word "secondary" page 3, paragraph 6, sentence or clause, as follows: "It is recommended that the Prison Board shall purchase such cattle and hogs as may be needed for raising beef and hog products to supply, as far as possible, the prison system and eleemosynary institutions of the State."

The amendment was adopted.

Mr. West offered the following amendment to the amendment:

Amend amendment to House bill No. 2 by adding after Section 9, Section 9a:

"In entering into contract for road construction or improvement, or other contracts for the employment of prison labor said Prison Board shall, so far as practicable, retain such control over said labor as shall permit its withdrawal to the prison farms in times of emergency or stress in the operation of said farms; it being the intention of this act to keep on said farms, as far as the same shall be practicable, only such labor as shall be necessary to the orderly and efficient operation of said farms, and that when not so needed on said farms, said labor shall be otherwise gainfully employed."

The amendment was adopted.

Mrs. Moore offered the following amendment to the amendment:

Amend amendment to House bill No. 2 by adding at the end of Section 13 the following: "Such improvements as are made to the living quarters of the prisoners on the farms to be of sanitary fireproof construction."

The amendment was adopted.

Mr. Van Zandt offered the following amendment to the amendment:

Amend amendment to House bill No. 2 by adding a new section between Sections 9 and 10, to be known as Section 9b:

Sec. 9b. The State Board of Con-

trol and the State Highway Commission are each hereby authorized to make contracts with the State Prison Board for the purchase of supplies and equipment, materials and labor for use by the Highway Department or other State institutions and departments, including food, supplies, shoes, metal utensils and appliances, furniture and fixtures, printing, bookbinding, rock, crushed stone, gravel, sand and any and all other supplies grown, quarried, preserved, processed or manufactured, and for labor, for use of the State, for the consumption or the use of any of the State's departments, commissions, boards, offices, eleemosynary or educational institutions; it being intended hereby to authorize the Board of Control or the Highway Commissioner to deal with the State Prison Board and acquire from it any supplies, material or labor of any kind or character which the State Highway Department or Board of Control is now authorized to procure from any source; and particularly is the Highway Department given authority to contract with the State Prison Board for the manufacture, sale and delivery to it of material and labor for use and construction of the State highways and highway appurtenances; and when such material or labor or supplies of any kind or character useful or usable by the Highway Department or the Board of Control for any of the departments or institutions of the State are tendered to said Highway Commission or State Board of Control are in need of such supplies or such labor, then it is made the duty of said Highway Commission and the State Board of Control to purchase the supplies and use the labor tendered by said Prison Board in compliance with the provisions of Section 3 of this act.

The amendment was lost.

Mr. Kennedy offered the following amendment to the amendment:

Amend the amendment to House bill No. 2 by striking out Section 12 and renumbering the following sections accordingly.

The amendment was lost.

Mrs. Moore offered the following amendment to the amendment:

Amend by adding at the end of Section 2 the following:

"An industrial building of fireproof construction, with separate workrooms for white and negro women, and a hospital of fireproof construction, with properly equipped treatment room and separate wards for white and negro

women, shall be built on the Goree Farm."

The amendment was adopted.

Mr. Purl offered the following amendment to the amendment:

Amend amendment by striking out "\$50,000." Section 13, line 1, and substituting in lieu thereof "\$500,000."

Question recurring on the amendment by Mr. Purl, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—13.

Baldwin.	Moore.
Beck.	Petsch.
Conway.	Purl.
Duvall.	Shelton.
Eickenroht.	Speck.
Johnson of Scurry.	Van Zandt.
McCombs.	

Nays—88.

Mr. Speaker.	Kennedy.
Acker.	Kincaid.
Ackerman.	King.
Albritton.	Kinnear.
Allred.	Land.
Anderson.	Lee.
Avis.	Long of Wichita.
Baker.	Magee.
Bond.	Mankin.
Bounds.	Marks.
Bradley.	Maynard.
Brice.	McDonald.
Brooks.	McGill.
Carpenter.	Mehl.
Coltrin.	Morse.
Cox of Lamar.	Negley.
DeWolfe.	Nicholson.
Enderby.	Olsen.
Farrar.	Palmer.
Finlay.	Patterson.
Forbes.	Pavlica.
Fuchs.	Pope of Jones.
Gates.	Pope of Nueces.
Gilbert.	Quinn.
Giles.	Ray.
Graves	Renfro.
of Williamson.	Richardson.
Graves of Erath.	Riley.
Hardy.	Rogers.
Harding.	Savage.
Harrison.	Shaver.
Heaton.	Sherrill.
Hines.	Simmons.
Hogg.	Sinks.
Jenkins.	Snelgrove.
Johnson	Stephens.
of Dallam.	Stevenson.
Johnson	Storey.
of Dimmit.	Tarwater.
Justiss.	Tillotson.
Keeton.	Turner.
Keller.	Veatch.

Waddell.
Walters.
Warwick.
Webb.

West.
Williams
of Hardin.
Young.

Present—Not Voting.

Cox of Limestone. Jones.

Absent.

Adkins.	McKean.
Barnett.	Metcalfe.
Chastain.	Minor.
Davis.	Montgomery.
Dunlap.	Mullally.
Hefley.	Murphy.
Holder.	O'Neill.
Hubbard.	Reid.
Kayton.	Sanders.
Kemble.	Thompson.
Lemens.	Wallace.
Long of Houston.	Wiggs.
Loy.	Woodruff.
Mauritz.	

Absent—Excused.

Bateman.	Pool.
Ewing.	Prendergast.
Finn.	Reader.
Harman.	Rountree.
Harper.	Strong.
Hopkins.	Westbrook.
Hornaday.	Williams
Johnson of Smith.	of Sabine.
Kenyon.	Williams
Martin.	of Travis.
Mosely.	

Mr. Purl offered the following amendment to the amendment:

Amend amendment by striking out "one-half" in line 6 and substitute "two-thirds"; also insert in line 8 in lieu of "one-half."

Mr. Van Zandt offered the following substitute for the amendment by Mr. Purl:

Amend amendment to House bill No. 2, in Section 13 thereof, by striking out said section all after the words "for expenditures" in line 6 of said section.

Mr. Keller moved to table the substitute amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—80.

Acker.	Baker.
Ackerman.	Beck.
Adkins.	Bounds.
Albritton.	Bradley.
Anderson.	Brice.
Avis.	Brooks.

Coltrin.	McDonald.
Cox of Lamar.	McGill.
DeWolfe.	Mehl.
Duvall.	Moore.
Enderby.	Negley.
Eickenroht.	Nicholson.
Farrar.	Olsen.
Finlay.	Palmer.
Fuchs.	Pavlica.
Gates.	Pope of Nueces.
Gilbert.	Purl.
Giles.	Quinn.
Graves	Ray.
of Williamson.	Renfro.
Graves of Erath.	Richardson.
Hardy.	Rogers.
Harding.	Shaver.
Harrison.	Shelton.
Heaton.	Sherrill.
Hines.	Sinks.
Hogg.	Snelgrove.
Jenkins.	Speck.
Johnson	Stephens.
of Dallam.	Stevenson.
Justiss.	Storey.
Keller.	Tarwater.
Kennedy.	Tillotson.
King.	Turner.
Kinnear.	Walters.
Land.	Warwick.
Long of Houston.	Webb.
Magee.	West.
Mankin.	Williams
Marks.	of Hardin.
Maynard.	Young.
McCombs.	

Nays—22.

Mr. Speaker.	Lee.
Allred.	Morse.
Baldwin.	Murphy.
Barnett.	Petsch.
Bond.	Riley.
Conway.	Sanders.
Cox of Limestone.	Savage.
Forbes.	Simmons.
Johnson of Scurry.	Van Zandt.
Jones.	Waddell.
Kincaid.	Wallace.

Absent.

Carpenter.	Mauritz.
Chastain.	McKean.
Davis.	Metcalfe.
Dunlap.	Minor.
Hefley.	Montgomery.
Holder.	Mullally.
Hubbard.	O'Neill.
Johnson	Patterson.
of Dimmit.	Pope of Jones.
Kayton.	Reid.
Keeton.	Thompson.
Kemble.	Veatch.
Lemens.	Wiggs.
Long of Wichita.	Woodruff.
Loy.	

Absent—Excused.

Bateman.	Pool.
Ewing.	Prendergast.
Finn.	Reader.
Harman.	Rountree.
Harper.	Strong.
Hopkins.	Westbrook.
Hornaday.	Williams
Johnson of Smith.	of Sabine.
Kenyon.	Williams
Martin.	of Travis.
Mosely.	

Question then recurring on the amendment by Mr. Purl, it was lost.

Mr. Quinn moved a call of the House for the purpose of maintaining a quorum until 6 o'clock p. m. today, and the call was duly ordered.

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The Sergeant-at-Arms was instructed to bring in all absent members within the city who are no ill.

Mr. Pope of Nueces offered the following amendment to the amendment:

Amend Section 2 by adding at the end thereof the following: "Provided, that the part of Wynne Farm not used for tubercular inmates and the part of the Goree Farm not used for female inmates shall be used for such beneficial purposes as the Texas Prison Board may elect and as herein provided."

The amendment was adopted.

Mr. McCombs offered the following amendment to the amendment:

Amend the amendment to House bill No. 2, Section 2, by adding after the last sentence: "There shall be installed in all buildings where needed sanitary equipments of the modern and efficient type in sufficient quantities to adequately serve all inmates."

The amendment was adopted by the following vote:

Yeas—72.

Mr. Speaker.	Carpenter.
Albritton.	Cox of Limestone.
Allred.	Dunlap.
Anderson.	Duvall.
Avis.	Enderby.
Baker.	Forbes.
Barnett.	Gates.
Beck.	Giles.
Bond.	Graves
Bradley.	of Williamson.
Brooks.	Hardy.

Harrison.	Palmer.
Hines.	Patterson.
Hogg.	Pavlica.
Hubbard.	Petsch.
Jenkins.	Pope of Jones.
Johnson	Pope of Nueces.
of Dimmit.	Purl.
Johnson of Scurry.	Quinn.
Keller.	Riley.
Kinnear.	Rogers.
Land.	Sanders.
Long of Houston.	Shaver.
Magee.	Sherrill.
Mankin.	Simmons.
Maynard.	Sinks.
McCombs.	Snelgrove.
McDonald.	Speck.
McGill.	Storey.
Mehl.	Tillotson.
Metcalfe.	Veatch.
Moore.	Walters.
Morse.	Warwick.
Murphy.	West.
Negley.	Williams
Nicholson.	of Hardin.
Olsen.	Young.

Nays—35.

Ackerman.	Kincaid.
Adkins.	King.
Baldwin.	Lee.
Bounds.	Lemens.
Brice.	Marks.
Coltrin.	Ray.
Conway.	Renfro.
Cox of Lamar.	Richardson.
Davis.	Savage.
DeWolfe.	Shelton.
Eickenroht.	Stephens.
Finlay.	Tarwater.
Fuchs.	Turner.
Gilbert.	Van Zandt.
Heaton.	Waddell.
Jones.	Webb.
Justiss.	Wiggs.
Kennedy.	

Present—Not Voting.

Farrar.

Absent.

Acker.	Loy.
Chastain.	Mauritz.
Graves of Erath.	McKean.
Harding.	Minor.
Hefley.	Montgomery.
Holder.	Mullally.
Johnson of	O'Neill.
Dallam.	Reid.
Kayton.	Stevenson.
Keeton.	Thompson.
Kemble.	Wallace.
Long of Wichita.	Woodruff.

Absent—Excused.

Bateman.	Pool.
Ewing.	Prendergast.
Finn.	Reader.
Harman.	Rountree.
Harper.	Strong.
Hopkins.	Westbrook.
Hornaday.	Williams
Johnson of Smith.	of Sabine.
Kenyon.	Williams
Martin.	of Travis.
Mosely.	

Mr. Fuchs offered the following amendment to the amendment:

Amend amendment to House bill No. 2, Section 4, by adding to Section 4 the following: "In the production and preserving of the products of the farms, technical experts as are needed to direct such work may be employed by the Prison Board or requisitioned from any State-supported institutions."

The amendment was lost.

Mr. Pope of Jones offered the following amendment to the amendment:

Amend amendment to House bill No. 2, Section 2, line 18, by striking out the word "such," and inserting the word "any" in lieu thereof.

The amendment was adopted.

Mr. Pope of Jones offered the following amendment to the amendment:

Amend amendment to House bill No. 2, Section 6, by making the last sentence of that section read as follows: "It is further recommended that a dairy be established in connection with each farm or so many of them, jointly, as may prove profitable to provide dairy products for the inmates of the prison system and for other State institutions, as far as practicable."

The amendment was adopted.

Mr. Carpenter offered the following amendment to the amendment:

Amendment to House bill No. 2, Section 6, line 4, on page 3, by striking out the word "corn."

The amendment was lost.

Mr. Bradley offered the following amendment to the amendment:

Amend the amendment to House bill No. 2 by adding immediately after Section 2 thereof the following sentence: "No inmates of the penitentiary shall be housed or confined for any purpose in any building not properly heated and ventilated."

Signed—Bradley, Johnson of Dimmit.

Mr. Avis moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—67.

Acker.	Marks.
Adkins.	McCombs.
Albritton.	McDonald.
Anderson.	McGill.
Avis.	Metcalfe.
Barnett.	Negley.
Beck.	Olsen.
Bounds.	Palmer.
Brice.	Patterson.
Conway.	Pavlica.
Cox of Limestone.	Pope of Nueces.
Duvall.	Quinn.
Enderby.	Renfro.
Farrar.	Richardson.
Finlay.	Shaver.
Fuchs.	Sherrill.
Gilbert.	Simmons.
Giles.	Sinks.
Graves	Speck.
of Williamson.	Stephens.
Harrison.	Storey.
Heaton.	Tarwater.
Hines.	Tillotson.
Hogg.	Turner.
Hubbard.	Van Zandt.
Jenkins.	Veatch.
Johnson	Wallace.
of Dallam.	Walters.
Kincaid.	Warwick.
King.	Webb.
Land.	Wiggs.
Lemens.	Williams
Long of Houston.	of Hardin.
Long of Wichita.	Woodruff.
Mankin.	Young.

Nays—37.

Mr. Speaker.	Keeton.
Ackerman.	Kennedy.
Allred.	Kinnear.
Baker.	Lee.
Bond.	Magee.
Bradley.	Maynard.
Carpenter.	Mehl.
Coltrin.	Moore.
Cox of Lamar.	Murphy.
Davis.	Petsch.
DeWolfe.	Pope of Jones.
Eickenroht.	Purl.
Forbes.	Ray.
Hardy.	Riley.
Johnson	Rogers.
of Dimmit.	Shelton.
Johnson of Scurry.	Snelgrove.
Jones.	Waddell.
Justiss.	West.

Absent.

Baldwin.	Chastain.
Brooks.	Dunlap.

Gates.	Montgomery.
Graves of Erath.	Morse.
Harding.	Mullally.
Hefley.	Nicholson.
Kayton.	O'Neill.
Keller.	Reid.
Kemble.	Sanders.
Loy.	Savage.
Mauritz.	Stevenson.
Minor.	Thompson.

Absent—Excused.

Bateman.	Mosely.
Ewing.	Pool.
Finn.	Prendergast.
Harman.	Reader.
Harper.	Rountree.
Holder.	Strong.
Hopkins.	Westbrook.
Hornaday.	Williams
Johnson of Smith.	of Sabine.
Kenyon.	Williams
Martin.	of Travis.
McKean.	

Mr. Hardy offered the following amendment to the amendment:

Amend the amendment to House bill No. 2 by inserting a new section, as follows: "No guard shall be employed by the Prison Board who cannot read and write the English language."

The amendment was adopted.

Mr. Farrar offered the following amendment to the amendment:

Amend Section 12 of the amendment by adding Section 12a, to read as follows:

Sec. 12a. Should the Shaw Farm be sold, reserving one-eighth royalty as provided in Section 12, the purchaser shall use due diligence to discover, develop and market the mineral products contained in said lands, or lease some for such purpose, which lease, or subsequent lease therefor, shall provide for diligent efforts; and in the event the purchaser of said lands, or his lessee, does not within a reasonable time after his purchase or lease use such diligence to develop and market the mineral products in said land, the State shall have the right to lease said lands, reserving the State's one-eighth royalty, and upon the best terms obtainable in behalf of the purchaser, with all privileges upon and within said lands necessary to discover, develop and market said mineral products. If the purchaser has not within three years from the date of his purchase commenced and thereafter with reasonable diligence proceeded to discover, develop and market the mineral products within said lands it will not

have used due diligence as herein provided.

Mr. Bond moved the previous question on the pending amendments and the bill, and the main question was ordered.

Question first recurring on the amendment by Mr. Farrar, it was lost.

Question then recurring on the amendment by Mr. Hogg as amended, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—92.

Acker.	Land.
Ackerman.	Lemens.
Adkins.	Long of Houston.
Albritton.	Long of Wichita.
Allred.	Loy.
Anderson.	Magee.
Avis.	Mankin.
Baker.	Marks.
Barnett.	Maynard.
Beck.	McCombs.
Bond.	McDonald.
Bounds.	McGill.
Bradley.	Mehl.
Brice.	Metcalfe.
Brooks.	Moore.
Carpenter.	Morse.
Coltrin.	Negley.
Conway.	Nicholson.
Cox of Lamar.	Olsen.
Cox of Limestone.	Palmer.
DeWolfe.	Patterson.
Duvall.	Pavlica.
Enderby.	Pope of Jones.
Farrar.	Pope of Nueces.
Finlay.	Quinn.
Fuchs.	Renfro.
Gates.	Riley.
Gilbert.	Rogers.
Giles.	Shaver.
Graves	Sherrill.
of Williamson.	Simmons.
Graves of Erath.	Sinks.
Hardy.	Snelgrove.
Harrison.	Speck.
Heaton.	Stephens.
Hines.	Stevenson.
Hogg.	Storey.
Hubbard.	Tarwater.
Johnson	Tillotson.
of Dallam.	Turner.
Justiss.	Veatch.
Keeton.	Walters.
Keller.	Warwick.
Kennedy.	Webb.
Kincaid.	West.
King.	Woodruff.
Kinnear.	Young.

Nays—19.

Mr. Speaker.	Davis.
Baldwin.	Eickenroht.

Forbes.	Ray.
Johnson	Richardson.
of Dimmit.	Sanders.
Johnson of Scurry.	Savage.
Lee.	Shelton.
Murphy.	Van Zandt.
Petsch.	Waddell.
Purl.	Wallace.

Present—Not Voting.

Jones.	Wiggs.
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Absent.

Chastain.	Minor.
Dunlap.	Montgomery.
Harding.	Mullally.
Hefley.	O'Neill.
Holder.	Reid.
Jenkins.	Thompson.
Kayton.	Williams
Kemble.	of Hardin.
Mauritz.	

Absent—Excused.

Bateman.	Mosely.
Ewing.	Pool.
Finn.	Prendergast.
Harman.	Reader.
Harper.	Rountree.
Hopkins.	Strong.
Hornaday.	Westbrook.
Johnson of Smith.	Williams
Kenyon.	of Sabine.
Martin.	Williams
McKean.	of Travis.

By unanimous consent of the House, the caption was ordered amended to conform to all changes made in the body of the bill.

House bill No. 2 was then passed to engrossment by the following vote:

Yeas—87.

Acker.	Duvall.
Ackerman.	Enderby.
Adkins.	Eickenroht.
Albritton.	Farrar.
Allred.	Finlay.
Anderson.	Fuchs.
Avis.	Gates.
Baker.	Gilbert.
Barnett.	Giles.
Beck.	Graves
Bond.	of Williamson.
Bounds.	Graves of Erath.
Bradley.	Hardy.
Brice.	Heaton.
Brooks.	Hines.
Carpenter.	Hogg.
Coltrin.	Hubbard.
Conway.	Jenkins.
Cox of Lamar.	Johnson
DeWolfe.	of Dallam.
Dunlap.	Justiss.

Keeton.	Pavlica.
Keller.	Pope of Nueces.
Kennedy.	Quinn.
Kincaid.	Renfro.
King.	Richardson.
Kinnear.	Rogers.
Land.	Shaver.
Lemens.	Sherrill.
Long of Houston.	Simmons.
Long of Wichita.	Sinks.
Magee.	Snelgrove.
Mankin.	Stephens.
Marks.	Stevenson.
Maynard.	Storey.
McCombs.	Tarwater.
McDonald.	Tillotson.
Mehl.	Turner.
Metcalfe.	Veatch.
Moore.	Walters.
Morse.	Webb.
Negley.	West.
Olsen.	Woodruff.
Palmer.	Young.
Patterson.	

Nays—26.

Mr. Speaker.	Petsch.
Baldwin.	Pope of Jones.
Cox of Limestone.	Purl.
Davis.	Ray.
Forbes.	Riley.
Johnson	Sanders.
of Dimmit.	Savage.
Johnson of Scurry.	Shelton.
Jones.	Speck.
Lee.	Van Zandt.
Loy.	Waddell.
McGill.	Wallace.
Murphy.	Wiggs.
Nicholson.	

Absent.

Chastain.	Montgomery.
Harding.	Mullally.
Harrison.	O'Neill.
Hefley.	Reid.
Holder.	Thompson.
Kayton.	Warwick.
Kemble.	Williams
Mauritz.	of Hardin.
Minor.	

Absent—Excused.

Bateman.	Mosely.
Ewing.	Pool.
Finn.	Prendergast.
Harman.	Reader.
Harper.	Rountree.
Hopkins.	Strong.
Hornaday.	Westbrook.
Johnson of Smith.	Williams
Kenyon.	of Sabine.
Martin.	Williams
McKean.	of Travis.

HOUSE BILL NO. 2 ON THIRD READING.

Mr. Sinks moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 2 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106.

Mr. Speaker.	Lemens.
Acker.	Long of Houston.
Ackerman.	Long of Wichita.
Adkins.	Loy.
Albritton.	Magee.
Allred.	Mankin.
Anderson.	Marks.
Avis.	McCombs.
Baker.	McDonald.
Barnett.	McGill.
Beck.	Mehl.
Bond.	Metcalfe.
Bounds.	Moore.
Bradley.	Morse.
Brice.	Murphy.
Brooks.	Negley.
Carpenter.	Nicholson.
Coltrin.	Olsen.
Conway.	Palmer.
Cox of Lamar.	Patterson.
Cox of Limestone.	Pavlica.
DeWolfe.	Petsch.
Dunlap.	Pope of Jones.
Duvall.	Pope of Nueces.
Enderby.	Purl.
Farrar.	Quinn.
Finlay.	Renfro.
Fuchs.	Richardson.
Gates.	Riley.
Gilbert.	Rogers.
Giles.	Sanders.
Graves	Savage.
of Williamson.	Shaver.
Graves of Erath.	Shelton.
Hardy.	Sherrill.
Harrison.	Simmons.
Heaton.	Sinks.
Hines.	Snelgrove.
Hogg.	Speck.
Hubbard.	Stephens.
Jenkins.	Stevenson.
Johnson	Storey.
of Dallam.	Tarwater.
Johnson	Tillotson.
of Dimmit.	Turner.
Justiss.	Veatch.
Keeton.	Wallace.
Keller.	Walters.
Kennedy.	Warwick.
Kincaid.	Webb.
King.	West.
Kinnear.	Wiggs.
Land.	Williams
Lee.	of Hardin.

Woodruff. Young.

Nays—9.

Baldwin. Jones.
Davis. Ray.
Eickenroht. Van Zandt.
Forbes. Waddell.
Johnson of Scurry.

Absent.

Chastain. Maynard.
Harding. Minor.
Hefley. Montgomery.
Holder. Mullally.
Kayton. O'Neill.
Kemble. Reid.
Mauritz. Thompson.

Absent—Excused.

Bateman. Mosely.
Ewing. Pool.
Finn. Prendergast.
Harman. Reader.
Harper. Rountree.
Hopkins. Strong.
Hornaday. Westbrook.
Johnson of Smith. Williams
Kenyon. of Sabine.
Martin. Williams
McKean. of Travis.

The Speaker then laid House bill No. 2 before the House on its third reading and final passage.

The bill was read third time.

(Mr. McGill in the chair.)

Mr. Kennedy offered the following amendment to the bill:

Amend the amendment to House bill No. 2, in Section 12, and renumbering the remaining sections accordingly.

(Speaker in the chair.)

Mr. Morse moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question first recurring on the amendment by Mr. Kennedy, it was lost by the following vote:

Yeas—51.

Mr. Speaker. Forbes.
Adkins. Fuchs.
Allred. Gates.
Anderson. Giles.
Baker. Graves
Baldwin. of Williamson.
Bond. Hubbard.
Bounds. Jenkins.
Cox of Lamar. Johnson of Scurry.
Cox of Limestone. Keller.
Enderby. Kennedy.
Eickenroht. King.
Harrar. Lee.
Hefley. Lemens.

Long of Houston. Ray.
Long of Wichita. Riley.
Marks. Sanders.
McCombs. Shaver.
McDonald. Simmons.
Metcalf. Stevenson.
Murphy. Turner.
Negley. Warwick.
Palmer. Webb.
Petsch. West.
Pope of Jones. Williams
Purl. of Hardin.
Quinn.

Nays—56.

Acker. Land.
Ackerman. Loy.
Albritton. Magee.
Avis. Mankin.
Barnett. Maynard.
Beck. McGill.
Bradley. Mehl.
Brice. Moore.
Carpenter. Morse.
Coltrin. Olsen.
Conway. Pavlica.
Davis. Pope of Nueces.
Duvall. Richardson.
Gilbert. Rogers.
Graves of Erath. Shelton.
Hardy. Sherrill.
Harrison. Sinks.
Heaton. Snelgrove.
Hines. Speck.
Hogg. Stephens.
Johnson. Storey.
of Dallam. Tillotson.
Johnson. Van Zandt.
of Dimmit. Veatch.
Jones. Waddell.
Justiss. Walters.
Keeton. Wiggs.
Kincaid. Woodruff.
Kinnear. Young.

Present—Not Voting.

Renfro. Tarwater.

Absent.

Brooks. Minor.
Chastain. Montgomery.
DeWolfe. Mullally.
Dunlap. Nicholson.
Harding. O'Neill.
Hefley. Patterson.
Holder. Reid.
Kayton. Savage.
Kemble. Thompson.
Mauritz. Wallace.

Absent—Excused.

Bateman. Harper.
Ewing. Hopkins.
Finn. Hornaday.
Harman. Johnson of Smith.

Kenyon.
Martin.
McKean.
Mosely.
Pool.
Prendergast.
Reader.

Rountree.
Strong.
Westbrook.
Williams
of Sabine.
Williams
of Travis.

Murphy.
Nicholson.
Petsch.
Pope of Jones.
Purl.
Ray.
Riley.

Sanders.
Shelton.
Speck.
Van Zandt.
Waddell.
Wallace.
Wiggs.

House bill No. 2 was then passed by the following vote:

Yeas—89.

Acker.	Kinnear.
Ackerman.	Land.
Adkins.	Lemens.
Albritton.	Long of Houston.
Allred.	Long of Wichita.
Anderson.	Loy.
Avis.	Magee.
Baker.	Mankin.
Barnett.	Marks.
Beck.	Maynard.
Bond.	McCombs.
Bounds.	McDonald.
Bradley.	Mehl.
Brice.	Metcalf.
Carpenter.	Moore.
Coltrin.	Morse.
Conway.	Negley.
Cox of Lamar.	Olsen.
DeWolfe.	Palmer.
Duvall.	Patterson.
Enderby.	Pavlica.
Eickenroht.	Pope of Nueces.
Farrar.	Quinn.
Finlay.	Renfro.
Fuchs.	Richardson.
Gates.	Rogers.
Gilbert.	Shaver.
Giles.	Sherrill.
Graves	Simmons.
of Williamson.	Sinks.
Graves of Erath.	Snelgrove.
Hardy.	Stephens.
Harding.	Stevenson.
Heaton.	Storey.
Hines.	Tarwater.
Hogg.	Tillotson.
Hubbard.	Turner.
Jenkins.	Veatch.
Johnson	Walters.
of Dallam.	Warwick.
Justiss.	Webb.
Keeton.	West.
Keller.	Williams
Kennedy.	of Hardin.
Kincaid.	Woodruff.
King.	Young.

Nays—25.

Mr. Speaker.	Johnson
Baldwin.	of Dimmit.
Cox of Limestone.	Johnson of Scurry.
Davis.	Jones.
Forbes.	Lee.
Harrison.	McGill.

Absent.

Brooks.	Minor.
Chastain.	Montgomery.
Dunlap.	Mullally.
Hefley.	O'Neill.
Holder.	Reid.
Kayton.	Savage.
Kemble.	Thompson.
Mauritz.	

Absent—Excused.

Bateman.	Mosely.
Ewing.	Pool.
Finn.	Prendergast.
Harman.	Reader.
Harper.	Rountree.
Hopkins.	Strong.
Hornaday.	Westbrook.
Johnson of Smith.	Williams
Kenyon.	of Sabine.
Martin.	Williams
McKean.	of Travis.

Mr. Pope of Nueces moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

Reasons for Vote.

I voted against the substitute for the Graves of Williamson bill for the following reasons:

First. Because I do not think the substitute is as meritorious as the Graves bill, and I opposed the Graves bill because I thought, and still think, that the Wallace bill is the best measure ever introduced in the Legislature on prison reform during the four terms I have been a member of this honorable body.

I have the highest respect for the ability, sincerity and patriotic motives that prompted each and every one of the signers of the Graves substitute, and time alone will tell whether they were right in offering this substitute, or I was right in opposing it.

It is my deliberate judgment that the Graves bill and the substitute adopted and finally passed will only temporarily relieve the awful condition the Texas prison system now finds itself in. It is admitted a compromise measure, and it is my judgment that the people of Texas are ready and anxious for this

body to appropriate whatever amount of money is necessary to build a brand new, fireproof penitentiary, with modern hospital facilities. I confess the location is secondary in the minds of the people, but insist that some Legislature in the near future will solve this problem and sincerely believe that the time to compromise, if at all, should be when both measures are in a free conference committee. I can see little opportunity in the substitute for reforming convicts and little opportunity would be afforded these men to fit themselves to become useful citizens.

Every investigating committee sent out by this body since 1910 has brought back a report recommending radical changes in the present system. This substitute measure adopted today fails to recognize these reports.

PURL.

Above remarks express my views.

SPECK.

This measure is the only policy on which the House will agree at this session, and some action is necessary in order to settle this question.

BRADLEY.

IMPEACHMENT CHARGES PRE- FERRED.

The Speaker laid before the House and had read the following impeachment charges presented by Mr. McGill, Mr. Petsch and Mr. Stevenson:

Charges Initiating Impeachment Proceedings, House of Representatives,
S. H. Terrell, Comptroller.

State of Texas,
County of Travis.

We, Joseph McGill, Alfred Petsch and Coke R. Stevenson, members of the House of Representatives of the Fourth Called Session of the Forty-first Legislature, do hereby present the following charges against S. H. Terrell, State Comptroller, and request the consideration of said charges so that the House of Representatives may decide whether or not, in their judgment, they should present to the Senate of Texas bills of impeachment against said S. H. Terrell, Comptroller. These charges are based upon information and belief founded upon the reports of the State Auditor, Moore Lynn, heretofore filed with the Legislature of the State of Texas, and now on file with said body. And we do each represent under our oath that we believe the charges made in said reports to be true, and, for such reasons,

we present them to the House of Representatives for consideration as aforesaid:

1.

That S. H. Terrell, while Comptroller of the State of Texas, during the present and prior terms of office, has violated Article 4344, R. C. S., 1925, Sections 5, 6, 9 and 18, which respectively provide: "The manner of keeping all State accounts; requiring uniformity of accounts; the keeping and settling of all accounts of the State by the Comptroller; the keeping and preserving of all materials, records, books and papers." And in connection with the aforesaid, the State Comptroller is specifically charged with having heretofore destroyed the records of his certain accounts entitled "S. H. Terrell, Comptroller, Special," heretofore kept in the Texas Bank & Trust Company and the Austin National Bank, both of Austin, Texas, and with the destruction of other bank records of accounts of State funds, which the said Comptroller has heretofore had and which are evidences of deposits and the withdrawal of State funds from other banks than those heretofore named.

2.

That the said S. H. Terrell while Comptroller of Public Accounts, during the present and prior terms of office, has violated Article 4345, R. C. S., 1925, in that he has continuously during said time, with the exception of one month, has passed the accounts of the Comptroller to the State Treasurer for payment without having said accounts first approved by the Secretary of State, as provided by law.

3.

That the said S. H. Terrell, while Comptroller of Public Accounts, during his present and prior terms of office, has violated Article 4348, R. C. S., 1925, in that he has not kept an account of the payments out of the various local funds of the State departments and institutions, and receipts thereto, and that his statement to the Governor has never included the complete record of public revenues and expenditures during the preceding year, or estimates of same for the ensuing year.

4.

That the said S. H. Terrell while Comptroller of Public Accounts, during his present and prior terms of office,

has violated Article 4357, R. C. S., 1925, in that he has failed to keep an alphabetical list of claims, as provided by law.

5.

That the said S. H. Terrell while Comptroller of Public Accounts, during his present and prior term of office, has violated Article 4363, R. C. S., 1925, in that he has failed to keep a record of all State-owned bonds, and has further failed to reconcile said accounts with similar accounts required to be kept by the State Treasurer, and further that he has made no quarterly balances.

6.

That the said S. H. Terrell while Comptroller of Public Accounts, during his present and prior terms of office, has violated Article 4364, R. C. S., 1925, Section 3, in that he has not kept control accounts for tax collectors covering current and delinquent taxes; and has further violated Section 4 of said article in that he has not kept accounts for all moneys and securities held by the State Treasurer, and neither has he kept a record of accounts with heads of departments for all moneys received by them and not deposited in the Treasury.

7.

That the said S. H. Terrell, while Comptroller of Public Accounts, during his present and prior terms of office, has violated Article 4366, Revised Civil Statutes of 1925, in the following respects: (1) In that he has failed to examine the Treasurer's disbursements; (2) in that he has failed to cancel warrants to prevent future circulation; (3) in that he has failed to supervise receipts and deposits of the Treasurer; (4) in that he has not checked the balance of money on hand in the State Treasury.

8.

That the said S. H. Terrell, while Comptroller of Public Accounts, has permitted, encouraged, assisted and has been benefited by the organization of a delinquent tax collection agency (apparently incorporated as an abstract company) under the name of the Texas Tax Record Company, for the purpose of collecting State and county delinquent taxes upon a commission compensation; that said corporation was originally and now is composed of employes and former employes of the Department and that one of the original incorporators and

present stockholders of said corporation is Mrs. Gladys Terrell, the wife of the Comptroller; that the organization of said corporation was perfected on or about the 18th day of December, 1928, and has continued up to this time; that the Comptroller and members of his Department solicited business for said corporation, thereby misusing this high public office in fostering and advancing private business; that by means of the organization and operation of said corporation the Comptroller directly or indirectly benefited from the profits accruing from the collection of State taxes, thereby indirectly increasing the emoluments of his office; that such organization and operation in connection with and in close co-operation with the Comptroller's Department, as aforesaid, is contrary to public policy and constitutes conduct unbecoming to a public official.

In connection with the aforesaid, it is alleged that said company, shortly after its organization, secured a contract to collect the "county" taxes of San Patricio county; that on or about April 8, 1929, upon advice of the Comptroller, personally, to the tax collector and/or the commissioners court of said county, said contract was amended to include the payment of a commission on "State" taxes; and further, that the Comptroller advised the tax collector of said county to deduct and take credit for the amounts of the commission which would have been earned upon the collection of the State taxes by said company, prior to April 8, if said company had, in fact, had a contract whereby they were entitled to a commission for the collection of State taxes, and the Comptroller directed said tax collector to deduct and take credit of such amounts on said tax collector's report for April, 1929, and thereby the Comptroller allowed commissions on the collection of State taxes without a pre-existing contract for same, in violation of the State Constitution.

And it is further alleged that, on or about December 9, 1929, the commissioners court of San Patricio county, upon the advice or with the knowledge and consent of the State Comptroller, further supplemented its contract with the said Texas Tax Record Company by permitting a payment to said company of a commission of 12½ per cent as compensation for services rendered and to be rendered in the nature of "charging off" all items of delinquent taxes which, in the judgment of said company, were not collectible and for which

it issued "cancellation certificates," and which conduct was in violation of law.

9.

That between the 29th day of September, 1925, and the 24th day of February, 1926, both days included, there was deposited in the Comptroller's Department by the Magnolia Petroleum Company a fund to be held in escrow in the amount of \$6,312.74, the same being money paid as gasoline taxes then thought to be due and payable to the State of Texas; that thereafter the law was declared to be to the effect that said money was the property of said company; that by virtue of said fact it became the obligation of the Comptroller to return the money to the company; that upon investigation of this account by the State Auditor, the Comptroller admitted, first, that the money had not been returned to the company; and secondly, that the same had not been deposited in the State Treasury; and thereupon said Comptroller refused to divulge what had been done with said money; that the facts show that said funds have been appropriated to the use and benefit of S. H. Terrell, Comptroller, and it is hereby charged that said S. H. Terrell, Comptroller, did use said funds, in whole or in part, for his personal use and benefit.

10.

That S. H. Terrell, Comptroller, did heretofore, on the dates hereinafter set out, fraudulently misapply and fraudulently convert to his own use and benefit the hereinafter named respective amounts out of State funds deposited in the Austin National Bank, to-wit:

May 1, 1929	\$ 38.15
May 10, 1929	80.95
May 10, 1929	28.85
May 10, 1929	100.00
May 10, 1929	372.00
May 21, 1929	50.00
June 5, 1929	100.00
June 22, 1929	35.00
July 3, 1929	65.00
July 3, 1929	60.61
July 5, 1929	100.00
July 9, 1929	10.00
August 6, 1929	105.00
August 6, 1929	100.00
August 8, 1929	21.00
August 26, 1929	20.00
August 27, 1929	49.27
September 11, 1929	50.00
September 16, 1929	13.72
September 16, 1929	14.83

September 19, 1929	100.00
September 21, 1929	212.50
October 9, 1929	100.00
November 12, 1929	32.93
November 14, 1929	416.00
November 14, 1929	100.00
November 20, 1929	25.00
December 14, 1929	100.00
December 18, 1929	20.00
December 18, 1929	25.48
December 26, 1929	40.00
January 7, 1930	69.64
January 8, 1930	563.38

11.

That S. H. Terrell, Comptroller, did heretofore, on the dates hereinafter set out, fraudulently misapply and fraudulently convert to his own use and benefit the hereinafter named respective amounts out of State funds deposited in the Texas Bank and Trust Company, to-wit:

April 4, 1927	\$ 15.85
April 4, 1927	15.80
April 4, 1927	30.72
April 4, 1927	30.17
April 4, 1927	11.85
August 31, 1927	50.00
November 21, 1927	25.00
December 6, 1927	100.00
December 6, 1927	50.00
December 6, 1927	30.00
February 21, 1928	36.53
June 16, 1928	42.00
July 8, 1928	13.00
July 11, 1928	36.50
November 15, 1928	50.00
November 22, 1928	23.80
November 22, 1928	11.14
November 22, 1928	59.45
February 5, 1929	51.70
February 5, 1929	30.90

12.

That the said S. H. Terrell, while Comptroller, did heretofore fraudulently take, misapply and convert to his own use the sum of \$2,689.14, the same being State funds by him collected upon accounts due the State of Texas and by him deposited in the Texas Bank and Trust Company.

13.

That the said S. H. Terrell, while Comptroller, did heretofore receive the sum of \$2,689.14 deposited by him in the Texas Bank and Trust Company under the account of "S. H. Terrell, Comptroller, Special," and did, in violation of law, fail and refuse to account for same.

14.

That the said S. H. Terrell, while Comptroller, did heretofore fraudulently misapply certain State funds by him collected upon accounts due the State of Texas and by him deposited in the Austin National Bank, the exact amounts and items so misapplied being, at this time, to affiants unknown, in the following manner, to-wit:

That the said S. H. Terrell, while Comptroller of the State of Texas, collected the sum of \$54,364.55 of State funds, upon accounts due the State of Texas, and deposited same in the Austin National Bank in a special account designated "S. H. Terrell, Comptroller, Special"; that all of said State funds so deposited in said special account have been withdrawn from said bank by the Comptroller; that he has destroyed the records of said account; that he has used at least a portion of said fund for personal use, as hereinbefore set out, and that the remainder of said funds are not accounted for in any manner by the said Comptroller.

15.

That the said S. H. Terrell, while Comptroller, did heretofore receive the sum of \$54,364.55, deposited by him in the Austin National Bank under the account of "S. H. Terrell, Comptroller, Special," and did in violation of law fail and refuse to account for same.

16.

That S. H. Terrell, as Comptroller, after receiving on or about March 20, 1926, the sum of \$4,195.86, as an inheritance tax due the State of Texas for the account of the beneficiaries of the estate of William O. Allison, did fraudulently misapply the same to his own use and did secrete the same with the fraudulent intent to misapply the same.

17.

That S. H. Terrell, as Comptroller, after receiving on or about January 19, 1926, the sum of \$1,362.67, as an inheritance due the State of Texas for the account of the beneficiaries of the estate of M. E. Griffith, did fraudulently misapply the same to his own use and did secrete the same with the intent to fraudulently misapply the same.

18.

We charge that the said S. H. Ter-

rell is incompetent, inefficient and unfit to hold the office of Comptroller and should be removed from office, as shown by his conduct during the present and prior terms of office, in that he violated Article 4344, Sections 5, 6, 9 and 18; Article 4345, Article 4348, Article 4357, Article 4363, Article 4364, Article 4366, Revised Civil Statutes of Texas, 1925; and that he has fraudulently taken, misapplied and converted to his own use the trust fund in the amount of \$6,312.74, hereinbefore mentioned and set out as the property of the Magnolia Petroleum Company; and that he has been guilty of misapplication of the following inheritance tax funds, to-wit: the taxes received for the account of the beneficiaries of the William O. Allison estate, in the amount of \$4,195.86; and the amount of \$1,362.67 inheritance taxes received for and on account of the beneficiaries of the Griffith estate, as both of said estates and receipt of said money has been hereinbefore described; and that he has misapplied the moneys deposited in the account of the Texas Bank and Trust Company and the Austin National Bank in the amounts hereinbefore set out; and that he has organized, permitted, encouraged and participated in the organization of a delinquent tax collection agency, for his benefit, as hereinbefore set out; and that he has been guilty throughout his tenure in office of gross carelessness and inefficiency in the management and operation of his office, and has conducted same in violation and disregard of many laws of this State.

McGILL,
PETSCH.
STEVENSON.

The State of Texas,
County of Travis.

On this day personally appeared before me, the undersigned authority, Joseph McGill, Alfred Petsch and Coke R. Stevenson and, being by me duly sworn, depose and say that they are the persons mentioned in the foregoing instrument, and that they are members of the House of Representatives of the Forty-first Legislature of Texas; that they have read the foregoing charges, and that wherever the statements are made therein, as of their own knowledge, they are true, and that all of those made are believed to be true.

JOSEPH MCGILL,
ALFRED PETSCH,
COKE R. STEVENSON.

Subscribed and sworn to before me

this the 10th day of February, A. D. 1930.

BESS ODELL BEEMAN,
(Seal) Notary Public in and
for Travis County, Texas.

RELATIVE TO HEARING IMPEACHMENT CHARGES.

Mr. McGill offered the following resolution:

Whereas, There has been this day filed by Joseph McGill, Alfred Petsch and Coke R. Stevenson, members of the House of Representatives of the Fourth Called Session of the Forty-first Legislature, certain charges against S. H. Terrell, State Comptroller, a copy of which is hereby attached, and which the House of Representatives must investigate; be it, therefore,

Resolved, That this House resolve itself into a Committee of the Whole and shall forthwith proceed to an investigation of the charges above referred to and this day filed, it being the intention of this House to conduct a full, fair and impartial investigation; that, sitting in Committee of the Whole, the Speaker shall appoint from among the members of the House a lawyer of recognized ability, who shall pass on the admissibility of testimony; that the Speaker shall select attorneys from the membership of the House to represent the House of Representatives in the development of said charges; that the Speaker shall appoint stenographers to take down the proceedings of the hearing, and the same shall be paid for at the regular rates charged by court reporters; that all witnesses before the Committee shall be paid the same fees as provided for witnesses summoned in the district courts of this State in criminal cases; that the House, sitting as a Committee of the Whole, shall have the right to summon witnesses, who shall be sworn by the Speaker, the presiding member, or the Chief Clerk of the House, and that said Committee of the Whole shall have full authority to issue all necessary process, summon witnesses and to compel their attendance, and for production before it of any papers, books or documents; that all expenses shall be paid by warrants properly issued by the chairman of the Contingent Expense Committee, to be approved by the Speaker of the House. In addition to the powers herein enumerated, the House, sitting as a Committee of the Whole, shall have all powers given to the legislative investigating committees in Articles 5961 and 5962 of the

Revised Civil Statutes of 1925; be it further

Resolved, That the hearing shall be conducted and evidence submitted upon not only such matters as may be charged specifically, but on other matters involving the official integrity of the Comptroller of Public Accounts, S. H. Terrell; be it further

Resolved, That at the conclusion of the testimony the Committee shall recommend to the House such action as it may deem necessary and proper in reference to the charges; be it further

Resolved, That the Comptroller of Public Accounts be permitted to have counsel of his own selection to represent him in the hearing before the Committee of the Whole.

Signed—McGill, Petsch, Stevenson.

The resolution was read second time.

Mr. Van Zandt moved that further consideration of the resolution be postponed at this time and that the resolution be set as a special order for 10 o'clock a. m. tomorrow.

The motion was lost by the following vote:

Yeas—14.

Bond.	Kinnear.
Brooks.	Boy.
Carpenter.	Mehl.
Cox of Limestone.	Metcalfe.
Enderby.	Snelgrove.
Jenkins.	Storey.
Justiss.	Van Zandt.

Nays—95.

Mr. Speaker.	Giles.
Ackerman.	Graves
Adkins.	of Williamson.
Albritton.	Graves of Erath.
Allred.	Hardy.
Anderson.	Harrison.
Avis.	Heaton.
Baker.	Hines.
Baldwin.	Hogg.
Barnett.	Hubbard.
Beck.	Johnson
Bounds.	of Dallam.
Bradley.	Johnson
Brice.	of Dimmit.
Coltrin.	Johnson of Scurry.
Conway.	Jones.
Cox of Lamar.	Keeton.
Davis.	Kennedy.
Dunlap.	Kincaid.
Duvall.	King.
Eickenroht.	Land.
Farrar.	Lee.
Finlay.	Lemens.
Forbes.	Long of Houston.
Fuchs.	Magee.
Gates.	Mankin.
Gilbert.	Marks.

Harper.	Prendergast.
Hopkins.	Reader.
Hornaday.	Rountree.
Johnson of Smith.	Strong.
Kenyon.	Westbrook.
Martin.	Williams
McKean.	of Sabine.
Mosely.	Williams
Pool.	of Travis.

TO PROVIDE FOR CERTAIN INVESTIGATING COMMITTEE.

The Speaker laid before the House, for consideration at this time, House concurrent resolution No. 18, providing for a committee to investigate certain State Department, the resolution having heretofore been read second time, with motion by Mr. Hornaday to refer the resolution to the Committee on State Affairs, pending.

The Speaker, for Mr. Hornaday, withdrew the pending motion.

On motion of Mr. Petsch, the resolution was laid on the table subject to call.

COMMITTEE OF THE WHOLE HOUSE.

On motion of Mr. McCombs and Mr. Tillotson, the House, at 5:30 o'clock p. m., resolved itself into a Committee of the Whole House, in accordance with provisions of the above resolution.

(In Committee of the Whole House, Mr. Sanders in the chair.)

IN THE HOUSE.

(Speaker in the chair.)

Mr. Sanders, Chairman of Committee of the Whole House, reported to the House that the Committee desired to rise and make the following report of progress:

That Speaker Barron of the House of Representatives has appointed Hon. Phil Sanders to serve as Chairman of the Committee of the Whole House; the Committee has appointed Mr. McGill, Mr. Petsch and Mr. Stevenson as attorneys for the House in the hearing of impeachment charges; and that Judge Sinks has been appointed to decide on the admissibility of evidence in the hearing of impeachment charges.

The Committee also desires to rise, report progress and ask leave to sit again at 9:15 o'clock a. m. next Thursday.

The House adopted the report.

LEAVES OF ABSENCE GRANTED.

Mr. Chastain was granted leave of absence for today on account of important business, on motion of Mr. Hardy.

On motion of Mr. Purl, Mr. Hornaday was granted leave of absence for last Saturday and today on account of important business.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 10, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed:

S. B. No. 8, A bill to be entitled "An Act fixing the compensation of county commissioners in every county having a population of not less than 7,395 and not more than 7,410, according to the 1920 United States census, and having taxable values as shown by the approved 1929 tax rolls amounting to as much as \$8,145,000 and not more than \$8,150,000; prescribing how such compensation shall be paid; and providing that the act shall apply only to counties expending funds derived from the sale of bonds issued for the purpose of building hard-surfaced roads or in aid thereof; and that such salary shall only apply so long as such roads are in construction and so long as such bond fund is being expended, and declaring an emergency."

S. B. No. 9, A bill to be entitled "An Act fixing the compensation of county commissioners in every county having a population of not less than 11,000 nor more than 11,015, according to the 1920 census, and having a property valuation of not less than \$8,252,800 and not more than \$8,252,900, as shown by the approved tax rolls for the year 1929, and prescribing how same shall be paid, and declaring an emergency."

S. B. No. 17, A bill to be entitled "An Act to amend Chapter 83, Senate bill No. 179, of the General Laws passed by the Forty-first Legislature at its Second Called Session, by adding at the end of Section 5 of said bill the following: 'Provided, however, that the terms of this bill shall not be applied to or affect any student who commenced his studies leading to a degree in any of the State institutions with the required credits prior to the time this bill was enacted into a law, or to any student who on or before September 1, 1929, had

credits for at least half the work required for a bachelor's degree,' and declaring an emergency."

S. B. No. 18, A bill to be entitled "An Act amending Section 6 of Chapter 45, Acts of the Forty-first Legislature, First Called Session, and declaring an emergency."

S. B. No. 26, A bill to be entitled "An Act authorizing a certain portion of the salary of county judges and county commissioners to be paid out of the road and bridge fund and the remainder out of the general fund of the county, and declaring an emergency."

S. B. No. 33, A bill to be entitled "An Act amending subdivision 22 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, providing for changing and prescribing terms and times of holding courts in the Twenty-second Judicial District of Texas, validating and continuing all process, all writs, bonds and recognizances, and making them returnable to the terms of court in the several counties in said district as herein fixed, to validate the summoning of grand and petit jurors under the present law so as to render them available under the present act; to repeal all laws in conflict herewith and providing time for this act to take effect, and declaring an emergency."

S. B. No. 53, A bill to be entitled "An Act authorizing the commissioners court of Knox county to fund into bonds of said county certain road and bridge warrants outstanding on January 1, 1930."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

TO SUSPEND CERTAIN HOUSE RULE.

(Mr. McGill in the chair.)

Mr. Purl moved that Section 2 of Rule No. 21, requiring the Speaker to appoint a Chairman of the Whole House be suspended.

The motion prevailed by the following vote:

Yeas—97.

Ackerman.	Brice.
Adkins.	Brooks.
Albritton.	Carpenter.
Allred.	Coltrin.
Avis.	Conway.
Baker.	Cox of Lamar.
Baldwin.	Cox of Limestone.
Barnett.	Davis.
Beck.	Duvall.
Bounds.	Enderby.

Farrar.	Moore.
Finlay.	Morse.
Forbes.	Murphy.
Fuchs.	Negley.
Gates.	Nicholson.
Gilbert.	Olsen.
Giles.	Palmer.
Graves	Patterson.
of Williamson.	Pavlica.
Graves of Erath.	Pope of Jones.
Hardy.	Pope of Nueces.
Heaton.	Purl.
Hines.	Quinn.
Hogg.	Ray.
Hubbard.	Renfro.
Jenkins.	Richardson.
Johnson	Riley.
of Dallam.	Sanders.
Johnson	Shaver.
of Dimmit.	Shelton.
Johnson of Scurry.	Simmons.
Jones.	Sinks.
Justiss.	Snelgrove.
Keeton.	Stephens.
Kincaid.	Stevenson.
King.	Storey.
Kinnear.	Tarwater.
Land.	Tillotson.
Lee.	Turner.
Lemens.	Van Zandt.
Long of Houston.	Veatch.
Long of Wichita.	Waddell.
Loy.	Wallace.
Magee.	Walters.
Mankin.	Warwick.
Marks.	Webb.
Maynard.	West.
McCombs.	Williams
McDonald.	of Hardin.
McGill.	Young.
Mehl.	

Nays—4.

Anderson.	Kennedy.
Eickenroht.	Rogers.

Absent.

Mr. Speaker.	Mauritz.
Acker.	Metcalf.
Bond.	Minor.
Bradley.	Montgomery.
Chastain.	Mullally.
DeWolfe.	O'Neill.
Dunlap.	Petsch.
Harding.	Reid.
Harrison.	Savage.
Hefley.	Sherrill.
Holder.	Speck.
Kayton.	Thompson.
Keller.	Wiggs.
Kemble.	Woodruff.

Absent—Excused.

Bateman.	Harman.
Ewing.	Harper.
Finn.	Hopkins.

Hornaday.	Reader.
Johnson of Smith.	Rountree.
Kenyon.	Strong.
Martin.	Westbrook.
McKean.	Williams
Mosely.	of Sabine.
Pool.	Williams
Prendergast.	of Travis.

On motion of Mr. Purl, Hon. W. S. Barron was elected as Chairman of the Committee of the Whole House.
(Speaker in the chair.)

COMMUNICATION FROM STATE TREASURER.

The Speaker laid before the House and had read the following communication:

Treasury Department,
State of Texas.

Austin, Texas, February 10, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Dear Sir: I am renewing my requests to be permitted to appear before your honorable body and answer in person those matters alleged and charged against me in the report made by the State Auditor and set forth in the resolution introduced by the Hon. Alfred C. Petsch on February 7. I am also asking that you permit me to bring along the records of this Department, that I may show you each book kept and deposit receipt and warrant received relative to the conduct of this Department. I assure you that in so doing I will consume but little of your time.

If I am denied this privilege, then I ask that in all actions taken relative to this Department, whether investigation or proceedings, that you separate myself and my Department from any other individual and any other Department, treating the Treasury Department and myself as one, separate and apart from any other Department or individual.

Yours very truly,
W. GREGORY HATCHER,
State Treasurer.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 8, to the Committee on State Affairs.

Senate bill No. 9, to the Committee on State Affairs.

Senate bill No. 17, to the Committee on State Affairs.

Senate bill No. 18, to the Committee on Penitentiaries.

Senate bill No. 26, to the Committee on State Affairs.

Senate bill No. 33, to the Committee on Judicial Districts.

Senate bill No. 53, to the Committee on Highways and Motor Traffic.

PROVIDING FOR STATE TREASURER TO APPEAR BEFORE THE HOUSE.

Mr. Keller offered the following resolution:

Whereas, The name of W. Gregory Hatcher, Treasurer of the State of Texas, has been mentioned and connected with that of S. H. Terrell, Comptroller of the State of Texas, relative to certain news items of impeachment and also in reference to certain reports of the State Auditor; and

Whereas, The said W. Gregory Hatcher has placed on each member's desk of the House of Representatives a report of explanation of the Auditor's report; and

Whereas, The said W. Gregory Hatcher has made two requests to the House of Representatives for permission to appear before the said House of Representatives to answer all allegations made in said Auditor's report of recent date and other allegations contained in a certain resolution introduced by Representative Alfred Petsch, and to answer any and all questions that may be propounded to him by members of the House of Representatives, any officers of the State or any citizen of the State; and

Whereas, The said W. Gregory Hatcher has informed the author of this resolution that it will only require a short time of the House of Representatives for him to answer such allegations and questions, and said author of said resolution is of the opinion that after the House hears the said W. Gregory Hatcher that it will be satisfied with his explanation and that no further action will be necessary; therefore, be it

Resolved by the House of Representatives, That W. Gregory Hatcher be invited to appear before the House of Representatives at 2 o'clock p. m., Tuesday, February 11, 1930, for the purpose of answering the allegations referred to in this resolution and such other questions that might be propounded to him.

The resolution was read second time. Mr. Sanders raised a point of order on further consideration of the resolution on the ground that the time for the consideration of resolutions has expired.

The Speaker sustained the point of order.

ADJOURNMENT.

On motion of Mr. Anderson, the House, at 6 o'clock p. m., adjourned until 9:45 o'clock a. m. tomorrow.

APPENDIX.

RELATIVE TO OKLAHOMA-TEXAS BOUNDARY LINE.

On motion of Mr. Young, the following report was ordered printed in the Journal:

Be it resolved by the House of Representatives: That we reject the compact offered the State of Texas by the State of Oklahoma concerning the location of the one hundredth meridian; that we favor the retention of the land acquired by the State of Texas from Oklahoma, or what heretofore was thought to be Oklahoma, and no further consideration be given to the negotiations with Oklahoma concerning the possible transfer of this territory; that consideration should be given to the question of bona fide property rights of title holders, actual or prospective, and that such legislation as is necessary to confirm the titles of bona fide claimants be passed, giving the claimants of such land holding titles emanating from sovereignty the preferential right of purchase; that notice be given to the Supreme Court of the United States that the Texas Legislature refuses to enter such a compact with the State of Oklahoma.

LAND,
YOUNG,
KING.

In the Senate and House of Representatives, Fourth Called Session of the Forty-first Legislature.

Report of Joint Legislative Committee,
In Re: Texas-Oklahoma Boundary.

To His Excellency, Governor Dan Moody; Hon. Barry Miller, Lieutenant Governor; Hon. W. S. Barron, Speaker of the House of Representatives, and to the Senate and House of Representatives of the State of Texas:

We, your committees heretofore appointed by the Senate and the House of

Representatives, respectively, to confer with officials of the State of Oklahoma in reference to the matters and things arising out of litigation pending in the Supreme Court of the United States as relates to the true location of the one hundredth meridian, the issues involved being what is known as the Texas-Oklahoma boundary dispute, beg leave to report as follows:

1. That after the appointment of the committees, one upon part of the Senate and one upon part of the House, said committees duly organized and met with like committees appointed by the Senate and House of Representatives of the State of Oklahoma, one of which meetings was held at the capitol building in the State of Oklahoma at Oklahoma City, the other at the capitol building of the State of Texas in the city of Austin, the final meeting being on August 26, 1929, in the city of Austin.

2. That at the meeting in Oklahoma City tentative suggestions with reference to a proper agreement or compact between the States in reference to an amicable settlement of the issues were fully discussed but no final agreements were made or entered into and in response to what appeared to be necessary under the circumstances it was agreed to adjourn the meeting to reassemble at Austin, Texas, on August 26, 1929, and same was accordingly done, whereupon at this meeting the committee from Oklahoma submitted to your committees a form of compact embodying the views of the State of Oklahoma as entertained by the Oklahoma committee, a copy of which agreement or compact we herewith attach, marking the same Exhibit A, making the same a part of this report.

3. The Oklahoma committee was of the opinion and urged that first consideration should be given to the question of bona fide vested property rights, insisting that the proper spirit governing in such controversies between sovereign States was to ascertain and in a proper and legal manner recognize and confirm vested rights to the fullest extent without at the same time doing violence to established principles of law and procedure.

4. The Oklahoma committee insisted that in view of previous disagreements between the reports of the commissioners previously made in respect to the true location of the one hundredth meridian and previous uncertainty as to the actual and true location thereof, the matter might, with great propriety,

proceed in accordance with the recognized line upon which property and other personal rights have been established and seemingly acquiesced in by the inhabitants upon and adjacent to the territory in dispute and following up their argument, submitted the agreement or compact hereto attached and referred to as Exhibit A.

5. Said Oklahoma committee further proposed that pending action upon the compact by the Legislature of Texas the Supreme Court of the United States be requested by the respective parties, to-wit, the State of Oklahoma and the State of Texas, to withhold final judgment in respect to the report of the special commissioner, Mr. Gannett, wherein the said Gannett fixes the true boundary line between Oklahoma and Texas and locates the one hundredth meridian, which report, if approved by the Supreme Court of the United States, will result in Texas gaining and being awarded approximately 28,000 acres of land along the eastern boundary line of the Texas Panhandle, said strip of land being approximately 4000 feet east and west along the southern line and approximately 400 feet east and west along the northern boundary line.

6. Your committee further reports that upon the compact submitted by the Oklahoma committee, which compact we have hereto attached and marked as an exhibit, the following action was taken by the Texas committee, to-wit: That the Texas committee would report to the Legislature of Texas and submit to the Legislature of Texas for action the compact as presented and submitted to the Texas committee; that our report would be without recommendation; that each individual member of the committee reserves the right to take such position as he thought proper in respect to the compact, the compact, however, which we were to report to the Legislature and submit without recommendation eliminates from the compact the following words, to-wit: "and adoption with the recommendation that the same be done." In other words, your committee does not recommend either the adoption or rejection of the compact submitted by the Oklahoma committee; therefore, leaving the agreement to submit the compact to the respective Legislatures in the following language, to-wit:

"It is further agreed and understood that the two legislative committees, one representing the State of Texas and the other the State of Oklahoma, will sub-

mit this compact to the respective Legislatures for consideration."

7. In view of the fact that this is an extraordinary session and only matters submitted by the Governor may be officially considered by the Legislature, we have taken the liberty to hand a copy hereof to the Governor with the request that he immediately transmit to the Legislature a message which will authorize action to be taken upon this report in such way and in such manner as to the Legislature may be deemed advisable.

8. While the committee makes no recommendation with reference to the acceptance or rejection of the proposed compact, yet your committee does recommend that in event the Legislature rejects the compact and in event the litigated territory is declared to be part of the public domain of the State of Texas, that the bona fide claimants of said land who hold titles emanating from sovereignty be granted the preference right to purchase said land for a nominal consideration; provided, they properly assume and agree to pay outstanding obligations created for purchase money or money borrowed, save and except purchase money due the sovereignty from which the claim of title emanates, and that appropriate legislation be passed to effect this purpose.

We therefore respectfully submit the foregoing report with the suggestion that full details of the boundary question will probably be fully discussed upon a consideration of the compact as submitted by the Oklahoma committee.

Respectfully submitted,
WOODWARD,
SMALL,
WOODUL,
WILLIAMSON,
POLLARD,

On the Part of the Senate.

WARWICK,
STOREY,
LAND,
MANKIN,
WALLACE,
JOHNSON of Dallam,
HOLDER,
YOUNG,

On the Part of the House.

Know ye, all nations, sovereignties and peoples, That the State of Texas as one high contracting party and the State of Oklahoma as the other high contracting party, have made and entered into and do now hereby make and enter into the following compact, agreement and permanent understanding:

Whereas, By ancient treaty the one hundredth meridian was established as the boundary line between the United States and Spain and which now constitutes the eastern boundary line of the Panhandle of Texas and the western boundary line of the State of Oklahoma from its intersection with the south bank of the south fork of Red River to its intersection with the parallel of thirty-six degrees, thirty minutes north latitude; and

Whereas, There has long existed a dispute as to the true location of said one hundredth meridian and the eastern boundary line of the Panhandle of Texas and the western boundary line of the State of Oklahoma; and

Whereas, Five different surveys have been made in an effort to locate the true one hundredth meridian, no two of which surveys agree upon the true location of the one hundredth meridian; and

Whereas, Said boundary line is now in question between the two States and is being litigated in the Supreme Court of the United States; and

Whereas, The said line has not yet been judicially determined; and

Whereas, The Congress of the United States of America has by Senate joint resolution No. 196, Second Session of the Seventieth Congress, authorized and empowered the two high contracting parties herein to enter into a compact ascertaining, locating and agreeing upon the true boundary line between the said two States; and

Whereas, The two States have long recognized and accepted as correct the line as ascertained, laid down, fixed and marked upon the ground by John H. Clark, United States Commissioner, acting under the Act of June 5, 1898, Chapter 92 (11 Statute at Large, 310); and

Whereas, Property rights and rights of citizenship have been established and recognized in view of said established line.

Now, therefore, it is hereby stipulated and agreed that, for all purposes, the said line so recognized by the two States as being, is in fact the true one hundredth meridian and the true, certain and real boundary line between the States, and that it is and shall be and remain forever the dividing line between the State of Texas and the State of Oklahoma at the points aforesaid, each State retaining its sovereign rights over the territory heretofore possessed and controlled by it, and each

State hereby conceding to the other, that said line has been, is now and shall be and remain forever the boundary line between the said States for all purposes.

It is further agreed that the State of Oklahoma shall pay to the State of Texas, coincident with the effectiveness hereof, the sum of one hundred fifty thousand (\$150,000) dollars, the same to be in full settlement for all costs, expenses, attorneys' fees and other claims growing out of or incident to said litigation.

The high contracting parties further agree that as to any and all land included within their respective boundaries as hereby and herein defined, each shall and will hold the other free from expense incident to any and all litigation involving the titles thereto, irrespective of the source or cause of such litigation, either upon claims based upon former pretended rights of sovereignty or proprietorship by the other State, or other cause, and neither State undertakes to warrant or in any manner vouch for, assure or defend any such titles as against any former act of itself or otherwise, the sole purpose of this compact being to locate and agree upon the true, certain and original boundary line between the States as is herein done.

It is further agreed that neither State will do or fail to do any act, the doing of which or if the failure to do any such act will in any manner adversely affect any title or titles involved in said area or areas, or interfere with the sovereign rights existing and continuing in the State within whose boundaries any such land may be.

It is further stipulated and agreed that this compact when adopted by the two States and ratified by the Congress, shall become effective and binding and that the State of Oklahoma will, upon the ratification thereof by Congress, pay to the State of Texas the sum aforesaid, thereby settling all claims for costs, expenses, etc., incident to said litigation, and, by this compact, the said States shall be held to confirm forever the said boundary line between the two States.

It is further agreed and understood that the two legislative committees, one representing the State of Texas and the other the State of Oklahoma, will submit this compact to the respective Legislatures of said States for consideration and adoption with the recommendation that the same be done.

In testimony whereof, the said legislative committees have hereunto sub-

scribed their names, at Austin, Texas,
this the 26th day of August, 1929.

**OKLAHOMA JOINT LEGISLATIVE
COMMITTEE.**

By
Chairman.

Attest:
.....
Secretary.

**TEXAS JOINT LEGISLATIVE
COMMITTEE.**

By
Chairman.

Attest:
.....
Secretary.

THIRTEENTH DAY.

(Tuesday, February 11, 1930.)

The House met at 9:45 o'clock a. m.,
pursuant to adjournment, and was
called to order by Speaker Barron.

The roll was called and the following
members were present:

Mr. Speaker.	Graves
Acker.	of Williamson.
Ackerman.	Graves of Erath.
Adkins.	Hardy.
Albritton.	Harding.
Allred.	Harman.
Anderson.	Harrison.
Avis.	Heaton.
Baker.	Hines.
Baldwin.	Holder.
Barnett.	Hopkins.
Bateman.	Hornaday.
Beck.	Hubbard.
Bond.	Jenkins.
Bounds.	Johnson
Bradley.	of Dallam.
Brice.	Johnson
Brooks.	of Dimmit.
Chastain.	Johnson of Scurry.
Coltrin.	Jones.
Conway.	Justiss.
Cox of Lamar.	Keeton.
Cox of Limestone.	Keller.
Davis.	Kennedy.
DeWolfe.	Kincaid.
Dunlap.	King.
Duvall.	Kinnear.
Enderby.	Land.
Farrar.	Lee.
Finn.	Lemens.
Finlay.	Long of Houston.
Forbes.	Long of Wichita.
Fuchs.	Loy.
Gates.	Magee.
Gilbert.	Mankin.
Giles.	Marks.

Mauritz.	Sanders.
Maynard.	Shaver.
McCombs.	Shelton.
McDonald.	Sherrill.
McGill.	Simmons.
Mehl.	Sinks.
Metcalfe.	Snelgrove.
Minor.	Speck.
Moore.	Stephens.
Morse.	Stevenson.
Murphy.	Storey.
Negley.	Tarwater.
Nicholson.	Terrell.
Olsen.	Tillotson.
Palmer.	Turner.
Patterson.	Van Zandt.
Pavlica.	Veatch.
Petsch.	Waddell.
Pope of Jones.	Wallace.
Pope of Nueces.	Walters.
Purl.	Warwick.
Quinn.	Webb.
Ray.	West.
Reader.	Wiggs.
Renfro.	Williams
Richardson.	of Hardin.
Riley.	Woodruff.
Rogers.	Young.

Absent.

Eickenroht.	O'Neill.
Hefley.	Reid.
Hogg.	Thompson.
Kayton.	Williams
Montgomery.	of Travis.
Mullally.	

Absent—Excused.

Carpenter.	Pool.
Ewing.	Prendergast.
Harper.	Rountree.
Johnson of Smith.	Savage.
Kemble.	Strong.
Kenyon.	Westbrook.
Martin.	Williams
McKean.	of Sabine.
Mosely.	

A quorum was announced present.

Prayer was offered by Rev. J. C.
Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted
leaves of absence on account of impor-
tant business:

Mr. Kemble for today and the bal-
ance of the week, on motion of Mr.
Morse.

Mr. Rountree for today, on motion of
Mr. Metcalfe.

Mr. Mosely for today, on motion of
Mr. Heaton.

Mr. Johnson of Smith for today, on
motion of Mr. Enderby.